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# TABLE

Containing the TITLES of all

## THE STATUTES

Passed in the FIFTH Session of the FIFTEENTH  
Parliament

OF

The United Kingdom of *Great Britain and Ireland*;

15° & 16° VICTORIÆ.

### PUBLIC GENERAL ACTS.

1. AN Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-two. *Page 1*
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- iii. An Act for establishing a Public Library, Museum, and Gallery of Arts at *Liverpool*, and to make Provision for the Reception of a Collection of Specimens illustrative of Natural History presented by the Earl of *Derby* for the Benefit of the Inhabitants of the Borough of *Liverpool* and the Neighbourhood thereof, and others resorting thereto. *Ibid.*
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xl. vi. An Act to enable *Cary Charles Elwes Esquire* to construct Waterworks for the Supply of Water to *Glamford Briggs* and the Neighbourhood thereof in *Lincolnshire*. *Ibid.*

xl. vii. An Act for further amending the Local and Personal Acts, Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, and Tenth and Eleventh of *Victoria*, Chapter Two hundred and sixty-one, relating to the *Liverpool Corporation Waterworks*; and for authorising Deviations, and the Construction of Reservoirs; and for other Purposes. *Ibid.*

xl. viii. An

- xlvi. An Act for incorporating the *Aberdeen* Fire and Life Assurance Company, by the Name of "The *Scottish* Provincial Assurance Company;" for enabling the said Company to sue and be sued, and to take and hold Property; and for other Purposes relating to the said Company. *Page 496*
- xlix. An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of *Sheffield* to make certain Bridges over the River *Dun*, Roads, Streets, and other Works, all within the Borough of *Sheffield*. *Ibid.*
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- lxix. An Act for better lighting with Gas the Town of *Saint Helen's*, the Hamlet of *Hardshaw-cum-Windle*, and the several Townships of *Windle, Parr, Eccleston*, and *Sutton*, all in the Parish of *Prescot* in the County Palatine of *Lancaster*. *Ibid.*
- lxx. An Act for better supplying with Water the Town of *Ulverston* in the County of *Lancaster*, and for other Purposes. *Ibid.*
- lxxi. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Abbey Tintern* and *Bigsweat Roads*. *Ibid.*
- lxxii. An Act for effecting Improvements in the City of *London*. *500*
- lxxiii. An Act for making a Railway from the *Middlesbrough and Redcar Railway* near *Middlesbrough* to or near to *Guisbrough*, with Branches to the *Cleveland Hills*, and for making Arrangements with the *Stockton and Darlington Railway Company*. *Ibid.*
- lxxiv. An Act for more effectually repairing the Road from *Sharpley* to *Hoghton* in the County of *Lancaster*. *Ibid.*
- lxxv. An Act for more effectually repairing the Road leading from *North Shields* to *Morpeth Castle*, and several Branches of Road communicating therewith, all in the County of *Northumberland*. *Ibid.*
- lxxvi. An Act for supplying the Inhabitants of the Town of *Merthyr Tydfil* and adjacent Places with Water. *Ibid.*
- lxxvii. An Act for the more easy Recovery of Small Debts and Demands within the City of *London* and the Liberties thereof. *Ibid.*
- lxxviii. An Act for the Dissolution of the *Glasgow, Kilmarnock, and Ardrossan Railway Company*, and the Abandonment of their Undertaking; and for other Purposes. *588*
- lxxix. An Act to renew the Term and continue and enlarge the Powers of an Act passed in the Seventh and Eighth Years of the



the Reign of His Majesty King *George the Fourth*, intituled *An Act for more effectually repairing and improving the Road from Shillingford, in the County of Oxford, through Wallingford and Pangborne, to Reading in the County of Berks, and for repairing and maintaining a Bridge over the River Thames at or near Shillingford Ferry.* Page 538

- lxxx. An Act to enable the *Portrush Harbour Company* to improve the Navigation of the River *Bann* from the *Salmon Leap* at *Castleroe* above the Town of *Coleraine* to the Sea, and remove the Bar and Ford at *Bann Mouth*, and to erect a Swivel Bridge at *Coleraine*, all in the County of *Londonderry.* Ibid.
- lxxxi. An Act for maintaining the Road from *Beach Down*, near *Battle*, to *Heathfield*, and from the Railway Station near the Town of *Robertsbridge* to *Hood's Corner*, all in the County of *Sussex.* Ibid.
- lxxxii. An Act for granting further Powers to the *London Gaslight Company*; and for other Purposes. Ibid.
- lxxxiii. An Act to empower the *Manchester, Sheffield, and Lincolnshire Railway Company* to raise a further Sum of Money; and to amend the Acts relating to the said Company. Ibid.
- lxxxiv. An Act to enable the *Eastern Counties and London and Blackwall Railway Companies* to construct a Railway with Branches to *Tilbury* and *Southend* in the County of *Essex*, to provide a Steam Communication to *Gravesend*, and for other Purposes. Ibid.
- lxxxv. An Act for more effectually repairing the Road from *Stockport* in the County Palatine of *Chester* to *Marple Bridge* in the said County; and a Branch from the said Road to or near *Thornset Gate* in the County of *Derby.* Ibid.
- lxxxvi. An Act to repeal the Acts and Parts of Acts relating to the *Pedmore* and *Holly Hall* Districts of Roads, and to substitute other Provisions for the same. Ibid.
- lxxxvii. An Act to repeal the Act for making and maintaining a Turnpike Road from *Stroud* to *Bisley*, and to make other Provisions in relation thereto. Ibid.
- lxxxviii. An Act to amend and extend the Provisions of the *Macclesfield and Buxton Road Act*, to create a Term of Twenty-one Years, and for other Purposes. Ibid.
- lxxxix. An Act for maintaining the Turnpike Road leading from *Kirkby Stephen* in the County of *Westmoreland* into the *Sedburgh* and *Kirkby Kendal* Turnpike Road, and out of and from the same Turnpike Road to *Hawes* in the North Riding of the County of *York*, and a Branch from *Hawes* aforesaid to the Village of *Gayle* in the Township of *Hawes.* 540
- xc. An Act for maintaining in repair the Road leading from the *Lord Nelson Public House* upon the Road between *Burnley* and *Colne* in the Township of *Marsden* in the Parish of *Whalley* in the County Palatine of *Lancaster* to *Gisburne* in the West Riding of the County of *York*, and from thence to the Road leading from *Skipton* to *Settle* at or near *Long Preston* in the said West Riding of the County of *York.* Ibid.
- xc. An Act for maintaining in repair the Road from *Bury* to *Bolton* in the County Palatine of *Lancaster.* Ibid.
- xcii. An

- xcii. An Act to repeal an Act for maintaining and repairing the Turnpike Road from *Bramley* in the County of *Surrey* to *Ridgewick* in the County of *Sussex*, and to make other Provisions in lieu thereof. *Page 540*
- xciii. An Act to repeal the Act for repairing and maintaining the *Wakefield and Denby Dale* Turnpike Road, and to make other Provisions in lieu thereof. *Ibid.*
- xciv. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Rotherham and Pleasley* Turnpike Road. *Ibid.*
- xcv. An Act for making a Railway from the *Edinburgh, Perth, and Dundee* Railway at *Thornton Junction* Station to the Town of *Leven*, with Branches to *Kirkland Works* and to the Harbour of *Leven*. *Ibid.*
- xevi. An Act to enable the *Lancashire and Yorkshire and York and North Midland* Railway Companies to enter into Arrangements as to the working and Management of Portions of their Railways. *Ibid.*
- xcvii. An Act for more effectually repairing the Road from the Town of *Beaconsfield* to the River *Colne*, all in the County of *Buckingham*. *Ibid.*
- xcviii. An Act for enabling the *Manchester, Buxton, Matlock, and Midlands Junction* Railway Company to lease their Undertaking to the *London and North-western* and the *Midland* Railways Companies. *541*
- xcix. An Act to repeal an Act for repairing the Road from *Kettering* to the Town of *Northampton* in the County of *Northampton*, and to substitute other Provisions in lieu thereof. *Ibid.*
- c. An Act to confer additional Facilities for the Insurance of Railway Passengers and other Persons by "The Railway Passengers Assurance Company." *Ibid.*
- ci. An Act to amend an Act passed in the Fourth Year of the Reign of King *George the Fourth*, intituled *An Act for making and maintaining a Turnpike Road from Holehouse or Riding near Greenfield in Saddleworth, to join the Stayley Turnpike Road, and also to join the Halifax and Sheffield Turnpike Road, all in the West Riding of the County of York*; and to continue the Term thereby granted. *550*
- cii. An Act for enabling the *Leeds Waterworks* Company to provide a better Supply of Water to the Town and Neighbourhood of *Leeds*. *Ibid.*
- ciii. An Act for merging the Undertaking of the *Reading, Guildford, and Reigate* Railway Company in the Undertaking of the *South-eastern* Railway Company; for the Dissolution of the *Reading, Guildford, and Reigate* Railway Company; and for other Purposes. *Ibid.*
- civ. An Act for the Establishment, Maintenance, and Management of Markets in the Borough of *Limerick*. *Ibid.*
- cv. An Act to authorize the Conversion of the Debenture Debt of the *London and North-western* Railway Company into a Stock not exceeding Three and a Half *per Centum*; and for enlarging the Stations at *Wolverton* and *Kilburn*. *Ibid.*
- cvi. An

- cvi. An Act for the Construction of a new Bridge over the River *Foyle* at *Londonderry*, and Approaches thereto. *Page 550*
- cvii. An Act for the Formation of a new Street in the Borough of *Londonderry*. *Ibid.*
- cviii. An Act to enable the *Eastern Counties Railway Company* to use the *East Anglian Railways*, and to empower the *Eastern Counties Railway Company* and the *East Anglian Railways Company* to enter into and carry into effect Agreements for certain Objects therein mentioned; and for other Purposes. *551*
- cix. An Act to consolidate and amend certain of the Acts relating to the *Edinburgh and Glasgow Railway*, and to grant further Powers to the Company of Proprietors thereof. *Ibid.*
- cx. An Act for repealing an Act of the Ninth Year of the Reign of Her present Majesty, relating to Moorings for Vessels in the River *Tyne*, and the River Police, and for transferring the Powers of the said Act to the *Tyne Improvement Commissioners*; for enabling the said Commissioners to construct and maintain Piers at the Mouth of the said River in the Counties of *Durham* and *Northumberland*, and to construct and maintain Docks and other Works on the North Side of the said River in the last-mentioned County; and for other Purposes. *Ibid.*
- cx. An Act for embanking and reclaiming from the Sea the Estuary or Back Strand of *Tramore* in the County of *Waterford*. *Ibid.*
- cxii. An Act for the Incorporation of the Society for providing Annuities for the Widows and Children of Presbyterian Ministers, under the Style and Title of "The Presbyterian Widows Fund Association." *Ibid.*
- cxiii. An Act to enable the Trustees of the *Yeovil Turnpike Trust* and the *Ilchester Turnpike Trust* to make certain new Roads, to repeal existing Acts, and create further Terms in the said Roads; and for other Purposes. *Ibid.*
- cxiv. An Act for enabling the *York, Newcastle, and Berwick Railway Company* to make a Deviation in the Line of their *Bishop Auckland Branch*, to extend the Time for the Purchase of Lands and Completion of Works on certain Lines of Railway authorized to be made in the County of *Durham*, and for other Purposes. *Ibid.*
- cxv. An Act for repairing the Road from *Leek* in the County of *Stafford* to *Monyash*, and from *Middlehills* to the *Macclesfield Turnpike Road* near *Buxton* in the County of *Derby*, and thence to *Otterhole*, and certain Branches of Road communicating therewith. *Ibid.*
- cxvi. An Act to consolidate and amend the Acts relating to the *Ipswich Dock*, to allow certain Drawbacks, and for other Purposes. *552*
- cxvii. An Act to enable the *South Wales Railway Company* to construct new Railways to *Milford Haven* and at *Newport*, and to abandon Portions of the Lines from *Fishguard* and at *Haverfordwest*; and for other Purposes. *Ibid.*
- cxviii. An Act for making a Railway from the *Lancashire and Yorkshire Railway* in the Township of *Bowling* near *Bradford* to the Railway belonging to the *Lancashire and Yorkshire and London*

- London and North-western Railway Companies, or One of them, in the Township of Wortley near Leeds, all in the West Riding of the County of York, to be called The Leeds, Bradford, and Halifax Junction Railway, and for other Purposes.* Page 552
- cxix. An Act for maintaining the Road from *Blackburn* to *Preston* and the Two Branches therefrom, and erecting a Bridge on the Line of the said Road over the River *Ribble*, all in the County Palatine of *Lancaster*. *Ibid.*
- cxx. An Act to repeal an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually repairing the Road from Preston to Garstang in the County of Lancaster*; and to make other Provisions in lieu thereof. *Ibid.*
- cxxi. An Act for making further Provision for the Conservancy of the Port and Harbour of *Belfast*, for conferring additional Powers on the *Belfast Harbour Commissioners*, and for other Purposes. *Ibid.*
- cxxii. An Act for maintaining and improving the *Blythe and Tyne* Railway in the County of *Northumberland*, and for incorporating the Subscribers thereto. *Ibid.*
- cxxiii. An Act to repeal the Act relating to the Road from the Town of *Kingston-upon-Thames* in the County of *Surrey* to *Sheetbridge* near *Petersfield*, in the County of *Southampton*; and to make other Provisions in lieu thereof. *Ibid.*
- cxxiv. An Act for the Incorporation, Establishment, and Regulation of the *North British Flax Company*, and to enable the said Company to purchase and work certain Letters Patent. *Ibid.*
- cx xv. An Act for incorporating and giving Powers to the *Frome, Yeovil, and Weymouth* Railway Company, and for other Purposes. 553
- cx xvi. An Act for enabling the *Monmouthshire* Railway and Canal Company to make certain new Railways, and for other Purposes. *Ibid.*
- cx xvii. An Act for enabling the *York and North Midland* Railway Company to make a Railway to the *Victoria* or *East Dock* at *Hull*, and for other Purposes. *Ibid.*
- cx xviii. An Act for constituting Commissioners for the Improvement of the River *Nene* and the Navigations thereof; for the more effectual Drainage of certain Lands in the Counties of *Northampton, Huntingdon, and Cambridge*; and for other Purposes. *Ibid.*
- cx xix. An Act to amend an Act passed in the Seventh Year of the Reign of King *George* the Fourth, intituled *An Act for more effectually making, repairing, and improving certain Roads leading to and from Liskeard, and certain other Roads therein mentioned, in the Counties of Cornwall and Devon*; and for other Purposes. *Ibid.*
- cx xx. An Act for the Conservancy of the River *Humber*, and for amending some of the Provisions of an Act relating to the *Kingston-upon-Hull* Docks. *Ibid.*
- cx xxi. An Act to extend and amend the Provisions of the Act relating to the *Wedmore* Turnpike Road in the County of *Somerset*, to create a further Term therein, and for other Purposes. *Ibid.*

- cxxxii. An Act for abandoning certain Parts of the Undertaking of the *Lancashire and Yorkshire* Railway Company; for constructing certain new Works, and extending the Time for Completion of existing Works; and for Sale of superfluous Lands; for regulating certain Portions of the Capital of the Company and the Application of Capital; and for authorizing the raising of Money by Annuities; and for other Purposes. *Ibid.* Page 553
- cxxxiii. An Act to confer on the *Great Western* Railway Company further Powers for the Purchase of Lands on the Lines of, and for the Construction of, the *Birmingham and Oxford Junction* and *Birmingham, Wolverhampton, and Dudley* Railways respectively; and for the Alteration of the Works of Part of the last-mentioned Railway; and for the Formation of an Extension Line of Railway at *Wolverhampton*; and for other Purposes. *Ibid.*
- cxxxiv. An Act for more effectually maintaining and keeping in repair the Road from *Cambridge* to *Ely*, and other Roads therein mentioned, in the Counties of *Cambridge* and *Norfolk*. 554
- cxxxv. An Act for consolidating into One Act and amending the Provisions of the several Acts relating to the *North-western* Railway Company; for extending the Time for constructing certain Parts of their Undertaking; and granting further Powers to the said Company; and for other Purposes. *Ibid.*
- cxxxvi. An Act for the Reduction of Dues on Shipping and Goods payable to the Mayor, Aldermen, and Burgesses of *Kingston-upon-Hull*, the *Hull Trinity House*, and the Dock Company at *Kingston-upon-Hull*, respectively. *Ibid.*
- cxxxvii. An Act to enable the *Midland Great Western* Railway of *Ireland* Company to make a Deviation in the authorized Line to *Longford*, and a Branch Railway to the Town of *Cavan*, and for other Purposes. *Ibid.*
- cxxxviii. An Act for the better Establishment of a Market at *Torquay* in the County of *Devon*, and for other Purposes. *Ibid.*
- cxxxix. An Act to repeal the Acts relating to the *Asthall and Buckland* Turnpike Road, and to make other Provisions in lieu thereof. *Ibid.*
- cxl. An Act for enabling the Completion of the *Wilts, Somerset, and Weymouth* Railway between *Frome* and *Weymouth* to be effected, and for authorizing and confirming Contracts between the *Great Western* Railway Company and the *Kennet and Avon* Canal Company and other Companies, and for other Purposes. *Ibid.*
- cxli. An Act for incorporating *Claussen's* Patent Flax Company, and to enable the said Company to purchase and work certain Letters Patent. *Ibid.*
- cxlii. An Act for enabling the Amalgamation of the *Stockton and Hartlepool* Railway Company and the *Hartlepool West Harbour and Dock* Company, and for authorizing the Lease or Purchase of the *Clarence* Railway by the *Stockton and Hartlepool* Railway Company or the amalgamated Company, and for consolidating the Acts relating to the same Companies; and for other Purposes. *Ibid.*
- cxliii. An Act for the Improvement of the Borough of *Cork*. *Ibid.*
- cxliv. An

cxliv. An Act to enable the *Manchester, Sheffield, and Lincolnshire* Railway Company to construct certain Branch Railways. *Page 555*

cxlv. An Act to amend and enlarge the Powers and Provisions of the Acts relating to the *Oxford, Worcester, and Wolverhampton* Railway Company; to extend the Time for the Completion of the Works, and the Purchase of certain Lands; to authorize Deviations in the Line and Works, and the Construction of certain Branches and Works; and for other Purposes. *Ibid.*

cxlvi. An Act to authorize the *Shrewsbury and Chester* Railway Company to construct additional Branches; to purchase or hire Steam-boats; and for other Purposes. *Ibid.*

cxlvii. An Act to revive and extend the Time for the Execution of certain Powers conferred by "The *Wycombe* Railway Act, 1846;" and for reducing the Capital of the *Wycombe* Railway Company; and for enabling the Company to enter into Arrangements with the *Great Western* Railway Company; and for other Purposes. *Ibid.*

cxlviii. An Act for enabling the *Eastern Union* Railway Company to make Arrangements with certain of their Creditors and Shareholders, and with respect to their Capital, and for granting additional Powers to the Company; and for other Purposes. *Ibid.*

cxlix. An Act to incorporate the *London* Necropolis and National Mausoleum Company, and to enable such Company to establish a Cemetery in the Parish of *Woking* in the County of *Surrey*, and for other Purposes. *Ibid.*

cl. An Act for constructing a Cemetery near to *Torquay* in the County of *Devon*. *Ibid.*

cli. An Act to repeal the *Wexford* Harbour Improvement Act, and to make new Arrangements for a more effective and expeditious Execution of a Portion of the Undertaking thereby authorized, and for other Purposes. *Ibid.*

clii. An Act to appoint Commissioners for the Execution of certain Improvements in the Navigation of the River *Slaney*, and for other Purposes. *556*

cliii. An Act to enable the *South Yorkshire* Railway and River *Dun* Company to transfer their Undertaking to the *Great Northern* Railway Company. *Ibid.*

cliv. An Act to repeal the Acts relating to the *Exeter* and the *Countess Wear* Turnpike Roads, and to make other Provisions in lieu thereof, and to authorize the Construction of certain new Roads; and for other Purposes. *Ibid.*

clv. An Act for the Transfer of the Undertaking of the *British* Gas Light Company to the *Commercial* Gas Company, and for other Purposes. *Ibid.*

clvi. An Act for extending the *Chelsea* Waterworks, and for better supplying the City of *Westminster* and Parts adjacent with Water. *Ibid.*

clvii. An Act for enabling the *Grand Junction* Waterworks Company to obtain a Supply of Water from the *Thames* at *Hampton*, and to construct additional Works, and for other Purposes. *Ibid.*

clviii. An Act for making divers Provisions with respect to the *Southwark and Vauxhall* Water Company, for empowering

- that Company to execute additional Works, and for other Purposes. Page 556
- clix. An Act for enabling the Company of Proprietors of the *West Middlesex Waterworks* to obtain by Agreement a Supply of Water from the *Thames* above the Reach of the Tide, and to raise further Capital, and for other Purposes. *Ibid.*
- clx. An Act to enable the Governor and Company of the *New River* to improve their Supply of Water; and for other Purposes. *Ibid.*
- clxi. An Act for enabling the Local Board of Health for the Town and District of *Swansea* to construct Waterworks; and for other Purposes. *Ibid.*
- clxii. An Act for the Conservancy, Improvement, and Regulation of the River *Tees*, the Construction of a Dock at *Stockton*, the Dissolution of the *Tees Navigation Company*, and other Purposes. 557
- clxiii. An Act to define and amend the Mineral Customs and to make better Provision for the Administration of Justice in the Barmote Courts within the Soke and Wapentake of *Wirksworth*, and within the Manors or Liberties of *Crich, Ashford, Stoney Middleton*, and *Eyam, Hartington, Litton, Peak Forest, Tideswell*, and *Youlgreave*, in the County of *Derby*. *Ibid.*
- clxiv. An Act for making divers Provisions with respect to the *East London Waterworks Company*, for empowering that Company to execute additional Works, and for other Purposes. *Ibid.*
- clxv. An Act to authorize the Use by the *Shrewsbury and Birmingham Railway Company* of the *Navigation Street Station* in *Birmingham*, and for other Purposes. *Ibid.*
- clxvi. An Act for making a Railway or Tramroad from the *Aberllefenny Slate Quarries* in the Parish of *Talyllyn* in the County of *Merioneth* to the River *Dovey* in the Parish of *Towyn* in the same County, with Branches therefrom; and for other Purposes. *Ibid.*
- clxvii. An Act to consolidate into One Act and to amend the Provisions of the several Acts relating to the *Birkenhead, Lancashire, and Cheshire Junction Railway Company*, to define the Undertaking of the Company, and for other Purposes. *Ibid.*
- clxviii. An Act to authorize Traffic Arrangements between the *Great Western*, the *Shrewsbury and Hereford*, and the *Hereford, Ross, and Gloucester Railway Companies*. *Ibid.*
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## PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN  
IN EVIDENCE.

1. AN Act to authorize the Improvement and better Management and eventual Leases or Sale of the Piece Halls in the Town of *Bradford* in the County of *York*; and to incorporate the Proprietors thereof. *Page 558*
2. An Act for enabling the Trustee or Trustees of the Will of the Right Honourable *Anna Maria* Dowager Lady *Wenlock* deceased to sell and dispose of a Leasehold Messuage, with the Statuary and Household Furniture by the same Will bequeathed as therein mentioned. *Ibid.*
3. An Act to unite the *Manchester* House of Recovery with the *Manchester* Royal Infirmary, Dispensary, and Lunatic Hospital or Asylum. *Ibid.*
4. An Act for authorizing the Sale of the *Bowden Park* Estate in the County of *Wilts*, devised and settled by the Will of *Ezekiel Harman* Esquire, deceased, and certain Codicils thereto, and for laying out the Surplus of the Money produced by such Sale, after Payment of a Mortgage affecting the same, in the Purchase of other Estates to be settled to the same Uses. *Ibid.*
5. An Act to authorize the granting of Leases of Estates devised by the Will of *John Clarkson* Esquire, deceased, situate in the Counties of *Middlesex* and *Surrey*. *Ibid.*
6. An Act to enable the Trustees of the Right Honourable *James* Earl of *Fife*, deceased, to sell and convey the Estate of *Balmoral* in the County of *Aberdeen* to His Royal Highness Prince *Albert* of *Saxe Coburg* and *Gotha*, and to grant Feus of Parts of the Estates vested in them. *559*
7. An Act to explain and amend the Powers of the Governors of the Hospital in *Edinburgh* founded by *George Watson*, Merchant Burgess of *Edinburgh*. *Ibid.*
8. An Act to enable *Francis Adams* Esquire, or other the Committee of the Estate of *Mary Shute Adams*, a Person of unsound Mind, for and in the Name and on behalf of the said *Mary Shute Adams*, to consent to the Exercise of certain Powers contained in the Marriage Settlement of the said *Francis Adams*, and in a certain Act of Parliament passed in the First Year of the Reign of Her present Majesty, and to exercise the Power of appointing new Trustees contained in the said Settlement; and for extending the Powers of Sale and Exchange contained in such Settlement. *Ibid.*
9. An Act for enabling Leases and Sales to be made of Estates subject to the Will of *Micah Gedling* deceased, and for other Purposes, and to be called "*Gedling's Estate Act, 1852.*" *Ibid.*



10. An Act to enable the President and Scholars of the College of *Saint Mary Magdalen* in the University of *Oxford*, as Owners in Fee of Lands at *Wandsworth* in the County of *Surrey*, to grant Building Leases; and for other Purposes. *Page 559*
11. An Act to incorporate the Society of the Craft of Smiths and Hammermen of the Burgh of *Aberdeen*; to confirm, amend, and regulate the Administration of the Estates and Affairs of the said Society; and for other Purposes relating to the Society. *Ibid.*
12. An Act to authorize the Sale of the *Leith Exchange Buildings*, and the Application of the Price thereof in the Extinction of Debts affecting the same; to distribute and appropriate any Balance that may arise from said Sale; and to wind up the Concern. *Ibid.*
13. An Act to enable *John Eden Spalding* Esquire, under the Authority of the Judges of the Court of Session in *Scotland*, to raise Money by Sale or upon Security of the Estate of *Holm* and other Lands in the Stewartry of *Kirkcudbright*, for discharging certain Debts and Liabilities of the said *John Eden Spalding*; and for other Purposes. *Ibid.*
14. An Act for the Regulation and Management of the Charity founded by *Thomas Howell* in or about the Year One thousand five hundred and forty, and for other Purposes. *560*
15. An Act for enabling the Trustees of the Settlement of *Cary Charles Elwes* Esquire to grant Building and other Leases of Land, and to make Improvements on the settled Estates in the County of *Lincoln*, and to purchase Waterworks in the Town of *Glamsford Briggs*. *Ibid.*
16. An Act for enabling the Trustees of the settled Estates of the Right Honourable *Henry John Reuben* Earl of *Portarlington* situate in the County of *Dorset* to lay out the Monies arising under the Exercise of the Powers of Enfranchisement and Sale and Exchange contained in the Settlement of the same Estates in the Purchase of other Estates in *England, Wales, or Ireland*, in lieu of being restricted to laying out the same Monies in the Purchase of Estates in *England or Wales*, as directed by the said Settlement. *Ibid.*
17. An Act for the Regulation of the Charity founded by *George Jarvis*, for the Benefit of the poor Inhabitants of the several Parishes of *Stanton-upon-Wye, Bredwardine, and Letton*, all in the County of *Hereford*; and for other Purposes. *Ibid.*
18. An Act for enabling Leases, Sales, and Exchanges to be made of the Family Estates in the County of *Southampton* of the Reverend Sir *John Barker Mill* Baronet, and for other Purposes, and to be called "*Barker Mill's Estate Act, 1852.*" *Ibid.*
19. An Act for enabling Leases, Sales, and Exchanges to be made of the Family Estates, in the *Isle of Wight* and elsewhere in the County of *Southampton*, of *John Brown Willis Fleming* Esquire, and for other Purposes, and of which the Short Title is "*Fleming's Estate Act, 1852.*" *Ibid.*
20. An Act to enable the Infant Tenants in Tail of the Estates in the County of *York*, subject to the Will of *Thomas Thornhill* of *Fixby* in the said County, Esquire, deceased, to grant Building

- Building and other Leases of Parts of the said Estates, and to sell or exchange the same, and for other Purposes. *Page 560*
21. An Act for appointing and incorporating Trustees for the Management of the Boys and Girls Hospitals of *Aberdeen* as One Institution, and for vesting the Estates and Revenues thereof in such Trustees, and for better managing such Estates and Revenues, and for other Purposes connected therewith. *Ibid.*
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## PRIVATE ACT,

NOT PRINTED.

22. An Act to dissolve the Marriage of *Septimus Moore Hawkins* Esquire with *Harriette Lavinia Hawkins* his now Wife, and to enable him to marry again ; and for other Purposes.
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THE

# STATUTES AT LARGE.

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Anno Regni VICTORIÆ, Britanniarum Reginæ,  
Decimo Quinto & Decimo Sexto.

‘**A**T the Parliament begun and holden at *Westminster*, the Eighteenth Day of *November*, Anno Domini 1847, in the Eleventh Year of the Reign of our Sovereign Lady VICTORIA, by the Grace of God, Queen of the United Kingdom of *Great Britain* and *Ireland*, Defender of the Faith: And from thence continued, by several Prorogations, to the Third Day of *February* 1852; being the Fifth Session of the Fifteenth Parliament of the United Kingdom of *Great Britain* and *Ireland*.’

C A P. I.

An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-two. [30th *March* 1852.]

C A P. II.

An Act to authorize the Inclosure of certain Lands, in pursuance of the Seventh Annual and also of a Special Report of the Inclosure Commissioners for *England* and *Wales*. [20th *April* 1852.]

‘**W**HEREAS the Inclosure Commissioners for *England* and *Wales* have, in pursuance of the Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter One hundred and eighteen, issued Provisional Orders for and concerning the several proposed Inclosures mentioned in the First Schedule to this Act, and have, in the Seventh Annual General Report of their Proceedings, certified their Opinion that such Inclosures would be expedient; but the same cannot be proceeded with without the Authority of Parliament: And whereas, before the Date of the said Annual General Report, the said Inclosure Commissioners issued their Provisional Order for and concerning the proposed Inclosure mentioned in the Second Schedule to this Act, and the requisite Consents thereto had been given, but the said Commissioners had not received Information of such Consents having been so given at the Time of making their said Report: And whereas the said Commissioners have, by a Special

15 & 16 Vict.                      B                      ‘cial

Inclosures mentioned in Schedules may be proceeded with.

Short Title.

‘ cial Report, certified their Opinion that such last-mentioned  
‘ proposed Inclosure would be expedient ; but the same cannot be  
‘ proceeded with without such Authority.’ Be it enacted by the  
Queen’s most Excellent Majesty, by and with the Advice and  
Consent of the Lords Spiritual and Temporal, and Commons, in  
this present Parliament assembled, and by the Authority of the  
same, That the said several proposed Inclosures mentioned in the  
Schedules to this Act be proceeded with, and as respects the  
proposed Inclosure mentioned in the Second Schedule to this Act,  
in the same Manner as if the Expediency of such Inclosure had  
been certified by the Commissioners in their said Annual General  
Report.

II. And be it enacted, That in citing this Act in other Acts of  
Parliament, and in legal Instruments, it shall be sufficient to use  
the Expression “ The Annual Inclosure Act, 1852.”

### SCHEDULES to which this Act refers.

#### FIRST SCHEDULE.

Inclosure.	County.	Date of Provisional Order.
The Wastes of the several Manors of Magor and Redwick, Duram and Ragland, Magor and Green Moor, Salisbury and Magor le Green Moor, and Redwick - - -	Monmouth -	11th October 1850.
Bromsgrove and Upton Warren - - -	Worcester -	24th June 1851.
Fulshaw - - -	Chester - -	17th July 1851.
Seal - - -	Surrey - -	24th June 1851.
Hartwith High Pasture	York - -	4th July 1851.
Nantglyn - -	Denbigh -	28th August 1851.
West End Down -	Southampton -	24th September 1851.
Clewelsy - -	Salop - -	24th June 1851.
Bettws Hills - -	Salop - -	24th June 1851.
Winterborne Gunner -	Wilts - -	21st November 1851.
Waunmeirws - -	Carmarthen -	3d September 1851.
Trowle Common -	Wilts - -	23d January 1852.
Upham - -	Southampton -	23d January 1852.
Asterton - -	Salop - -	6th December 1851.
Eachwick Common -	Northumberland	23d January 1852.
Billinge - -	Lancaster -	8th January 1852.
Thorpe by Water -	Rutland -	21st October 1851.
The Waste of the Manor of Ruthin in the Parishes of Llanfair-dyffryn Clwyd, Llan-elidan, Derwen, Efen-echtyd, Clocaenog, and Gyffylliog - -	Denbigh -	8th January 1852.

## SECOND SCHEDULE.

Inclosure.	County.	Date of Provisional Order.
Urishay Common -	Hereford -	4th July 1851.

## C A P. III.

An Act to provide for the Administration of Personal Estates of Intestates and others to which Her Majesty may be entitled in right of Her Prerogative or in right of Her Duchy of *Lancaster*. [20th April 1852.]

**WHEREAS** Letters of Administration of the Effects of several Intestates and others to whose Personal Estates Her Majesty and Her Predecessors became entitled in right of the Royal Prerogative were from Time to Time in the Lifetime of *George Maule* Esquire, deceased, late the Solicitor for the Affairs of Her Majesty's Treasury, granted to the said *George Maule*, as the Nominee and for the Use of the Sovereign, and many of such Estates have not been fully administered: And whereas it is expedient to provide for the Continuance of the said Administrations which have determined by the Death of the said *George Maule*, and to make further Provision concerning the like Administrations hereafter to be granted to Her Majesty's Use: Be it enacted, therefore, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

L So often as Her Majesty, by any Warrant under Her Sign Manual, shall be pleased to direct the Solicitor for the Time being for the Affairs of Her Majesty's Treasury to apply for and obtain Letters of Administration of the Personal Estate and Effects of any Person dying intestate to whose Personal Estate and Effects Her Majesty may have become entitled in right of Her Royal Prerogative, or Letters of Administration (whether general or limited) of the Personal Estate and Effects of any other Person deceased, where in respect of the Interest of Her Majesty in such Estate and Effects such Administration may be rightfully granted to a Nominee of Her Majesty, it shall be lawful for any competent Court in *England*, upon Application, in pursuance of such Warrant, to grant Administration accordingly to such Solicitor for the Time being and his Successors in the Office of Solicitor for the Affairs of Her Majesty's Treasury, for the Use and Benefit of Her Majesty; and in every such Case the Administration so granted, and the Office of Administrator under the Grant, with all the Estates, Rights, Duties, and Liabilities of such Administrator, shall, upon the Death, Resignation, or Removal of the Solicitor for the Affairs of Her Majesty's Treasury for the Time being, devolve upon and become vested and continue in the succeeding Solicitor by virtue of his Appointment, and so in perpetual Succession without any further Grant of Administration or any

Administration of the Personal Estate of Intestates and others, where Her Majesty is entitled, may be granted to the Solicitor of the Treasury for the Time being (as Nominee of Her Majesty) and his Successors.

Assignment or Transfer of the Estates of the Administrator; and all Actions, Suits, Informations, and other Proceedings whatever at Law or in Equity by or against any such Solicitor for the Time being as such Administrator at the Time of his Death, Resignation, or Removal, shall continue and may be proceeded with by, in favour of, and against the succeeding Solicitor in like Manner; saving always the Effect of every Limitation in Duration or otherwise under the Terms of the Grant of any such Administration; and saving to every Court having Jurisdiction in this Behalf all such Right and Authority to revoke or repeal any such Administration as such Court would have had during the Continuance of a like Administration granted to a Nominee of Her Majesty in case this Act had not been passed.

Administration Bond not necessary, notwithstanding Provisions of 22 & 23 Car. 2. c. 10.

II. It shall not be necessary for the Solicitor for the Affairs of the Treasury for the Time being, or the Solicitor for the Affairs of Her Majesty's Duchy of *Lancaster* for the Time being, applying for or obtaining Grant of Administration to the Use or Benefit of Her Majesty, to enter into or cause to be entered into any Bond to the Ordinary, commonly called an Administration Bond (the Act of the Session of Parliament holden in the Twenty-second and Twenty-third Years of King *Charles* the Second, Chapter Ten, or any other Law or Usage notwithstanding); but the Solicitor for the Affairs of the Treasury for the Time being, or the Solicitor for the Affairs of Her Majesty's Duchy of *Lancaster* for the Time being, shall, in relation to every such Administration, be subject to all the Liabilities and Duties imposed on an Administrator by the Condition of the Bond prescribed by the said Act of the Twenty-second and Twenty-third Year of King *Charles* the Second.

Administrations granted to the late George Maule, as Nominee of Her Majesty, to be continued by the Solicitor of the Treasury for the Time being.

III. In every Case where Letters of Administration of any Personal Estate or Effects of any Intestate or other Person deceased have been granted to the said *George Maule* as the Nominee or for the Use and Benefit of any of Her Majesty's Predecessors, or as the Nominee of Her Majesty, or for the Use and Benefit of Her Majesty, and now remain unrevoked, such Letters of Administration shall not be deemed to have determined by his Decease, but such Administration and the Office of Administrator under the Grant, and all the Estates, Rights, Duties, and Liabilities vested in the said *George Maule* as such Administrator at the Time of his Decease, or which would have been vested in the said *George Maule* as such Administrator if living, shall, upon the passing of this Act, devolve upon and become vested and continue in the Solicitor for the Affairs of the Treasury for the Time being, with the like Succession and in like Manner as in case of the Administrations which may be granted to the Solicitor for the Affairs of the Treasury for the Time being in pursuance of this Act; and all Actions, Suits, Informations, and other Proceedings at Law or in Equity had, commenced, or taken by or against the said *George Maule* as Administrator under any such Administration, and pending at the Time of his Decease, shall not be deemed to have abated or been discontinued by the Decease of the said *George Maule*, but shall continue and take effect by, in favour of, and against the said Solicitor for the Time being for the Affairs of Her Majesty's Treasury, as the same would have continued

tinued and taken effect if such Administration had been granted to the said *George Maule* as Solicitor for the Time being of Her Majesty's Treasury under the Provisions of this Act.

IV. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct the Payment into a general Account, under such Arrangements as they shall think expedient, of all Monies accruing under Administrations granted to the Solicitor for the Affairs of the Treasury as Nominee of Her Majesty, or received by such Solicitor in respect of the Personal Estate of any deceased Person or of any forfeited Property accruing to Her Majesty by virtue of Her Prerogative; and it shall be lawful for the said Commissioners to cause to be transferred into an Account or Accounts which shall be opened in the Books of the Governor and Company of the Bank of *England*, in the Names of the Assistant Paymaster General and Solicitor of the Treasury for the Time being, all Stock and Annuities accruing under such Administrations as aforesaid, or recovered or received by such Solicitor, in respect of any such Personal Estate or forfeited Property accruing to Her Majesty as aforesaid, or to cause any Monies accruing or received as aforesaid to be laid out in the Purchase of Stock or Annuities, in the Names of such Assistant Paymaster General and Solicitor of the Treasury for the Time being; and all such Stock and Annuities so transferred and purchased respectively shall and may be transferred or sold from Time to Time as the Commissioners of Her Majesty's Treasury shall direct, and the Monies arising from any Sale thereof, and the Dividends accruing in respect of such Stock and Annuities for the Time being, shall be paid into such general Account as herein-before mentioned; and every Stock Account so opened in the Names of the said Assistant Paymaster General and Solicitor of the Treasury at the Bank of *England* shall be a public Account; and upon the Death, Resignation, or Removal of both or either of them the said Assistant Paymaster General and the Solicitor of the Treasury for the Time being, and upon the Appointment of their or his Successors or Successor, the Stock and Annuities standing in every such Stock Account shall vest in the then Assistant Paymaster General and the Solicitor of the Treasury jointly, and when and so long as the Office of One only of them the said Assistant Paymaster General and the Solicitor of the Treasury shall be vacant, the said Stock and Annuities respectively shall vest in the other of them the said Assistant Paymaster General or the Solicitor of the Treasury for the Time being, without any Transfer or Act in any of the Cases aforesaid.

V. It shall be lawful for the Commissioners of Her Majesty's Treasury to make such Rules and Orders from Time to Time as they may think expedient as to the Payment of Monies into and out of the said general Account, and as to the Payment from Time to Time of such Monies as may not be required for the Purposes of such Account into the Consolidated Fund of the United Kingdom, and as to the Period after which any Monies or Personal Estate granted by Her Majesty or any of Her Predecessors out of Property accrued to the Crown by virtue of the Royal Prerogative, and for the Time being remaining unclaimed

Monies accruing under the Administrations and Forfeitures to be carried to a general Account.

Treasury to make Rules, &c. as to Payment of Monies into and out of the general Account, &c.



under the Grants thereof, shall be carried to and form Part of the Consolidated Fund.

Monies not claimed by Grantees of the Crown to be carried to the Consolidated Fund, and Claims afterwards established to be paid out of the Consolidated Fund.

VI. Where any Personal Estate of any Intestate or other Person deceased, or any forfeited Property, to which Her Majesty or any of Her Predecessors has become entitled by virtue of the Royal Prerogative, or any such Personal Estate or Property to which Her Majesty may hereafter become entitled in like Manner, or any Money out of any such Personal Estate or Property, has been granted by Her Majesty or any of Her Predecessors, or shall hereafter be granted by Her Majesty, to any Person, and such Personal Estate, Property, or Money shall not have been claimed by the Person entitled under the Grant within such Period as the Commissioners of Her Majesty's Treasury may from Time to Time, by their Rules or Orders in this Behalf, direct, it shall be lawful for the said Commissioners to cause such Personal Estate or Property, or the Money arising from the Conversion thereof, or the Money so granted and remaining unclaimed, to be paid into and form Part of the Consolidated Fund of the United Kingdom; and in case at any Time thereafter any Person shall show, to the Satisfaction of the said Commissioners, his Right or Title under such Grant to such Personal Estate or Property or Money so granted, or to any Part thereof, it shall be lawful for the said Commissioners to direct such Sum as shall have been paid into the Consolidated Fund under this Provision, or any Part thereof, to which such Person may have established his Title as aforesaid, to be paid to such Person out of the growing Produce of the said Consolidated Fund.

Executors of George Maule to transfer Trust Funds to the Trust Accounts;

VII. It shall be lawful for the Commissioners of Her Majesty's Treasury, by Warrant under their Hands, to authorize and direct the Executors of the said *George Maule* to pay and transfer into the Accounts to be opened as herein-before mentioned all Monies and Stock of which the said *George Maule* was at the Time of his Decease possessed under the several Administrations herein-before referred to, or otherwise, as the Nominee of Her Majesty or of any of Her Predecessors, and any Monies since received by such Executors in respect of any such Stock; and upon the Payment or Transfer of any such Monies or Stock, in pursuance of such Warrant, such Executors, and the Estate of the said *George Maule*, shall be absolutely discharged from all Liabilities, Claims, and Demands, at Law or in Equity, whatsoever, in respect of the Monies or Stock so paid or transferred, and in respect of the Property from the Conversion of which the same may have arisen; and all Persons having or claiming, or who otherwise might have or claim, any Right or Title, Claim or Demand whatsoever, at Law or in Equity, to or upon such Monies or Stock, or against or upon such Executors, or the Estate of the said *George Maule*, in respect thereof, or in respect of the Property from the Conversion of which the same may have arisen, shall and may prosecute their Rights, Titles, Claims, or Demands in respect of such Monies, Stock, or Property against the Solicitor for the Time being of Her Majesty's Treasury, in like Manner as in the Case of Monies and Stock or Property received or possessed by such Solicitor under an Administration to Her Majesty's Use granted under the Provisions

upon such Transfer Executors, &c. discharged from all Liabilities.

Provisions of this Act; and it shall be lawful for the Commissioners of Her Majesty's Treasury to direct, in respect of such Rights, Titles, Claims, or Demands, such Payments or Transfers as Circumstances may require.

#### C A P. IV.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively. [20th April 1852.]

[This Act is the same, except as to Dates, as 14 & 15 Vict. c. 10.]

#### C A P. V.

An Act further to explain and amend the Acts for the Regulation of Municipal Corporations in *England* and *Wales*, and in *Ireland*. [20th April 1852.]

WHEREAS by an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, it is (among other things) enacted, that no Person shall be qualified to be elected or to be a Councillor or an Alderman of any Borough during such Time as he shall have, directly or indirectly, by himself or his Partner, any Share or Interest in any Contract or Employment with, by, or on behalf of the Council of such Borough: And whereas by another Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in Ireland*, it is (among other things) enacted, that no Person shall be qualified to be elected or to be a Councillor, or an Alderman, or a Municipal Commissioner of any Borough, during such Time as he shall have, directly or indirectly, by himself or his Partner, any Share or Interest in any Contract or Employment with, by, or on behalf of any such Council, Commissioners, or Charitable Trustees of such Borough: And whereas Doubts have arisen whether the said Enactments may not be deemed to extend to the Persons herein-after mentioned, and it is expedient that such Doubts should be removed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

5 & 6 W. 4.  
c. 76.

3 & 4 Vict.  
c. 108.

I. That from and after the passing of this Act no Person shall be deemed to have had or to have an Interest in a Contract or Employment with, by, or on behalf of such Council, Commissioners, or Trustees, by reason only of his having had or having a Share or Interest in any Newspaper in which any Advertisement relating to the Affairs of any such Borough, Council, Commissioners, or Trustees may have been or may hereafter be inserted.

Proprietors of Newspapers not to be deemed Contractors by reason of Advertisements.

II. That immediately from and after the passing of this Act it shall be lawful for any Person or Persons against whom any

Suits commenced for certain Penalties

under recited  
Acts may be  
stayed on Pay-  
ment of Costs  
out of Pocket.

original Writ, Suit, Action, Plaintiff, or Information shall have been sued out, commenced, or prosecuted on or before the Day of the passing of this Act, for the Recovery of any pecuniary Penalty or Penalties incurred under the said Enactments, (by reason only of any Extension of the Words "Contract" or "Employment," therein contained, to the Case of any such Insertion of Advertisements in any Newspaper as aforesaid,) to apply to the Court in which such original Writ, Suit, Action, Bill, Plaintiff, or Information shall have been sued out, commenced, or prosecuted, or to any Judge of One of the Superior Courts at *Westminster* or *Dublin*, as the Case may be, for an Order that such Writ, Suit, Action, Bill, Plaintiff, or Information shall be discontinued, upon Payment of the Costs thereof out of Pocket incurred to the Time of such Application being made, such Costs to be taxed according to the Practice of such Court; and every such Court or Judge is hereby authorized and required, upon such Application, and Proof that sufficient Notice has been given to the Plaintiff or Plaintiffs, or to his or their Attorney, of the Application, to make such Order as aforesaid, and upon the making such Order, and Payment or Tender of such Costs as aforesaid, such Writ, Suit, Action, Bill, Plaintiff, or Information shall be forthwith discontinued.

Suits, &c. re-  
newed or con-  
tinued may be  
discontinued on  
Payment of  
Costs out of  
Pocket.

III. Provided always, That in all Cases in which any such Writ, Suit, Action, Bill, Plaintiff, or Information sued out or commenced on or before the Fifth Day of *February* One thousand eight hundred and fifty-two shall have been renewed or continued before the passing of this Act, or upon which any Declaration shall have been filed or delivered, or other Proceedings had, after the said Fifth Day of *February*, and before the passing of this Act, it shall be lawful for such Court or Judge, upon such Application and Proof as aforesaid, to make such Order as aforesaid for discontinuing the same, upon Payment of the Costs out of Pocket of all Proceedings had on or before the said Fifth Day of *February*, to be taxed as aforesaid, and such Costs out of Pocket (if any) of any Proceedings had after the said Fifth Day of *February*, as the Court or Judge making such Order shall think fit to direct, and upon making such Order, and upon Payment or Tender of such Costs, such Writ, Suit, Action, Bill, Plaintiff, or Information shall be forthwith discontinued.

Court may  
make Order for  
discontinuing  
Suit, without  
Payment of  
Costs.

IV. Provided also, That in all Cases in which any such Writ, Suit, Action, Bill, Plaintiff, or Information shall have been sued out or commenced at any Time subsequent to the said Fifth Day of *February*, it shall be competent for such Court or Judge as aforesaid to make such Orders as aforesaid for discontinuing the same, without Payment of any Costs; and upon making such Order such Writ, Suit, Action, Bill, Plaintiff, or Information shall be forthwith discontinued.

Judgments not  
to be affected.

V. That nothing herein contained shall extend to any Action, Bill, Plaintiff, or Information, or any legal Proceeding of any kind whatsoever, in which any Judgment shall have passed on or before the Day of the passing of this Act, but such Proceedings may be thereupon had and taken, and any such Judgment may be dealt with in all respects, as if this Act had not passed.

VI. That

VI. That from and after the passing of this Act no Municipal Commissioner, Councillor, Alderman, or Mayor, in any Municipal Corporation within the Provisions of either of the said Acts, shall be deemed to have been or to be disqualified to be elected or to be such Municipal Commissioner, Councillor, Alderman, or Mayor, by reason only of his having had or having any Share or Interest in any Newspaper in which any such Advertisement as aforesaid may have been or may be inserted, but all Elections of Municipal Commissioners, Councillors, Aldermen, or Mayors as aforesaid shall be deemed and taken to have been and to be valid (unless in Cases where Judgment may have been obtained before the passing of this Act) notwithstanding any such Share or Interest as aforesaid.

Proprietors of Newspapers not disqualified from Election to Municipal Offices by reason of Advertisements, &c.

### C A P. VI.

An Act for extending the Term of the provisional Registration of Inventions under "The Protection of Inventions Act, 1851." [20th April 1852.]

' **W**HEREAS by "The Protection of Inventions Act, 1851," it was provided, that the provisional Registration of any new Invention registered thereunder should continue in force for the Term of One Year from the Time of the same being so registered: And whereas it is expedient that the said Term should be extended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

14 Vict. c. 8.

I. The Registration of every Invention provisionally registered under the said Act shall continue in force until the First Day of *February* One thousand eight hundred and fifty-three, in like Manner, and with the like Effect and Consequences, as if every such Registration had been continued in force till that Day by the said Act, instead of for the Term of One Year from the Time of the Invention being registered as therein mentioned.

Provisional Registration under the recited Act to continue in force till 1st Feb. 1853.

### C A P. VII.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

[20th April 1852.]

[This Act is the same, except as to Dates and the Contents of it here inserted, as 14 & 15 Vict. c. 6.]

' **W**HEREAS the raising or keeping a Standing Army within the United Kingdom of *Great Britain and Ireland* in Time of Peace, unless it be with the Consent of Parliament, is against Law : And whereas it is adjudged necessary by Her Majesty, and this present Parliament, that a Body of Forces should be continued, for the Safety of the United Kingdom, the Defence of the Possessions of Her Majesty's Crown, and the Preservation of the Balance of Power in *Europe*, and that the whole Number of such Forces should consist of One hundred and

Numbers.

' one

‘ one thousand nine hundred and thirty-seven Men, exclusive of  
 ‘ the Officers and Men belonging to the Regiments employed in  
 ‘ the Territorial Possessions of the *East India Company*, but  
 ‘ including the Officers and Men of the Troops and Companies  
 ‘ recruiting for those Regiments: And whereas no Man can be  
 ‘ forejudged of Life or Limb, or subjected in Time of Peace to  
 ‘ any kind of Punishment within this Realm, by Martial Law,  
 ‘ or in any other Manner than by Judgment of his Peers and  
 ‘ according to the known and established Laws of this Realm;  
 ‘ yet nevertheless it being requisite, for the retaining all the  
 ‘ before-mentioned Forces in their Duty, that an exact Discipline  
 ‘ be observed, and that Soldiers who shall mutiny or stir up  
 ‘ Sedition, or shall desert Her Majesty’s Service, or be guilty  
 ‘ of Crimes and Offences to the Prejudice of good Order and  
 ‘ Military Discipline, be brought to a more exemplary and speedy  
 ‘ Punishment than the usual Forms of the Law will allow:’ Be  
 it therefore enacted, &c.

General  
 Courts-martial.

VII. A General Court-martial convened in *Saint Helena*, the Settlements on the Western Coast of *Africa*, *Honduras*, *New Zealand*, the *Australian Colonies*, *Hong Kong*, and the Settlements on the Coast of *China*, and *Prince of Wales Island*, *Singapore*, and *Malacca*, shall consist of not less than Five Commissioned Officers; if convened in *Jamaica*, *Newfoundland*, *Bermuda*, the *Bahamas*, the *Cape of Good Hope* or other Settlements in Southern *Africa*, or in any Part out of the Queen’s Dominions, excepting the *Ionian Islands* and the Parts before mentioned, it shall consist of not less than Seven, and if convened in any other Part of the Queen’s Dominions, or in the *Ionian Islands*, or in the Settlements of the *East India Company*, it shall consist of not less than Thirteen Commissioned Officers, and shall have Power to sentence any Officer or Soldier to suffer Death, Transportation, or any other Punishment which shall accord with the Provisions of this Act.

District or Gar-  
 rison Courts-  
 martial.

VIII. A District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, the *Cape of Good Hope* or other Settlements in Southern *Africa*, *Saint Helena*, *Jamaica*, *Honduras*, *Newfoundland*, *New Zealand*, the *Australian Colonies*, the *Windward* and *Leeward Islands*, *British Guiana*, *Hong Kong*, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers, and in the Settlements on the Western Coast of *Africa*, where it may consist of not less than Three Commissioned Officers; and such Court-martial shall have the same Power as a General Court-martial to sentence any Soldier to such Punishments as shall accord with the Provisions of this Act: Provided always, that such Court-martial shall not have Power to try a Commissioned Officer, nor to pass any Sentence of Death or Transportation.

Proceedings  
 at Trial.

XIV. In all Trials by Court-martial, as soon as the President and other Officers appointed to serve thereon shall be assembled, their Names shall be read over in the Hearing of the Prisoner, who shall thereupon be asked if he objects to being tried by the President or by any of such Officers; and if the Prisoner shall then object to the President, such Objection shall be referred

to the Decision of the Authority by whom such President shall have been appointed ; but if he object to any Officer other than the President, such Objection shall be decided by the President and the other Officers so as aforesaid appointed to form the Court; and when the Place of the President or other Officer in respect of whom any Challenge shall have been made and allowed shall be supplied by some Officer in respect of whom no Challenge shall have been made or allowed, or if no Challenge whatever shall have been made, or, if made, not allowed, the President and the other Officers composing a General Court-martial shall take the Oaths in the Schedule to this Act annexed before the Judge Advocate General or his Deputy, or Person officiating as Judge Advocate, and on Trials by other Courts-martial before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member may administer the Oath to the President ; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed ; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon.

XV. All General and other Courts-martial shall have Power and Authority, and are hereby required, to administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same ; and every Person, as well Civil as Military, who may be required to give or produce Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the Judge Advocate General or his Deputy, or the Person officiating as Judge Advocate, and in the Case of all other Courts-martial, by the President of the Court ; and all Persons so summoned and attending as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Superior Courts of *Westminster* or *Dublin*, or of the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies*, or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge, by any Affidavit in a summary Way, that such Witness was arrested in going to or attending upon or returning from such Court-martial ; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence or not produce the Documents under their Power or Control required to be produced by them, or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or in the Court of Session, or Sheriff Depute or Stewarts

Swearing and  
summoning  
Witnesses.

Stewarts Depute, or their respective Substitutes, within their several Shires and Stewartries, in *Scotland*, or in Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere respectively, upon Complaint made, in like Manner as if such Witness, after having been duly summoned or subpoenaed, had neglected to attend upon a Trial in any Proceeding in the Court in which such Complaint shall be made.

Previous Con-  
victions to be  
put in Evi-  
dence.

XVI. After a Prisoner has been found guilty of any Charge or Charges, the Court before which any such Prisoner shall have been tried may, before passing Sentence on such Prisoner, and for the Purpose only of affixing Punishment, receive in Evidence against him any previous Convictions by Courts-martial, and in like Manner and for the like Purpose the Court shall receive in Evidence any previous Conviction of such Prisoner by a Court of ordinary Criminal Jurisdiction, where the Offence charged in the Indictment was of a felonious, fraudulent, or unnatural Nature ; and in the Case of Convictions by Courts-martial, duly confirmed, when the Court-martial Book cannot conveniently be produced, a Certificate, which shall purport to contain a Copy of the Entry of such Convictions in the Court-martial Book or in the Regimental or Company's Defaulters Book, and which shall be signed by the Adjutant, or other Officer having the Custody of the Court-martial Book or of the Defaulters Book of the Regiment or Company to which the Prisoner belongs, shall be sufficient Evidence of such Conviction ; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender ; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted as herein-after provided to the Officer commanding a Regiment by the Clerk of any such Court, or other Officer having Custody of the Records of such Court, or the Deputy of such Clerk, containing the Substance and Effect of any Indictment, omitting the formal Part, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk, shall be sufficient Evidence of such last-mentioned Conviction ; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender : Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the said Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him : Provided also, that the Court shall in no Case award to him any other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall have been so found guilty.

**XIX.** If any Person subject to this Act shall at any Time during the Continuance of this Act begin, excite, cause, or join in any Mutiny or Sedition in Her Majesty's Land or Marine Forces, or shall not use his utmost Endeavours to suppress the same, or coming to the Knowledge of any Mutiny or intended Mutiny shall not, without Delay, give Information thereof to his Commanding Officer; or shall hold Correspondence with or give Advice or Intelligence to any Rebel or Enemy of Her Majesty, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever; or shall treat or enter into any Terms with such Rebel or Enemy without Her Majesty's Licence or Licence of the General or Chief Commander; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall have been commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer, or others, to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall desert Her Majesty's Service; or shall leave his Post before being regularly relieved; or shall be found sleeping on his Post; or shall strike or shall use or offer any Violence against his Superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or who being confined in a Military Prison shall offer any Violence against a Visitor or other his superior Military Officer, being in the Execution of his Office; all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence shall be committed within this Realm, or in any other of Her Majesty's Dominions, or in Foreign Parts, upon Land or upon the Sea, shall suffer Death or such other Punishment as by a Court-martial shall be awarded.

Crimes punishable with Death.

**XXII.** Every Paymaster or other Commissioned Officer of Her Majesty's Forces, or any Person employed in the Ordnance or Commissariat Department, or in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores, who shall embezzle or fraudulently misapply, wilfully damage, steal, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, wilful Damage, or Theft of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores belonging to Her Majesty's Forces or for Her Majesty's Use, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, and Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expense the Loss and Damage sustained, which shall have been ascertained by such Court-martial; and in every such Case the Court

Embezzlement punishable by Transportation.



Court is required to ascertain by Evidence the Amount of Loss or Damage incurred, and to declare by their Sentence if such Amount shall be made good by such Offender ; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Ireland*, or in any Court in Her Majesty's Colonies where the Person sentenced by such Court-martial shall be resident, after the Judgment shall be confirmed and made known ; and every Commissioned Officer sentenced to be transported as a Felon, if such Sentence shall be confirmed, shall thereupon cease to be in Her Majesty's Service, and for ever be incapable of serving Her Majesty in any Military Capacity.

Forfeiture of Pay and Pension by Sentence of Court-martial.

XXVIII. Any General Court-martial may, in addition to any other Punishment which it may be competent to award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, Good-conduct Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case ; and any District or Garrison Court-martial may also, in addition to any Sentence which such Court may award, sentence any Offender to such Forfeiture for Desertion or for disgraceful Conduct,

In wilfully maiming or injuring himself or any other Soldier, whether at the Instance of such other Soldier or not, with Intent thereby to render himself or such other Soldier unfit for Service :

In tampering with his Eyes with Intent thereby to render himself unfit for Service :

In wilfully doing any Act, or wilfully disobeying any Orders, whether in Hospital or otherwise, thereby producing or aggravating Disease or Infirmary, or delaying his Cure :

In malingering or feigning Disease :

In stealing or embezzling Government Property or Stores, or in receiving the same knowing the same to have been stolen :

In stealing any Money or Goods, the Property of a Comrade, of a Military Officer, or of any Military or Regimental Mess or Band, or in receiving any such Money or Goods knowing the same to have been stolen :

In making any false or fraudulent Accounts, Returns, Matters, or Entries, or assisting or conniving at the same being made, or producing the same as true, knowing the same to be false or fraudulent :

In stealing or embezzling or fraudulently misapplying Public Money intrusted to him :

Or in committing any other Offence of a felonious or fraudulent Nature, to the Injury of or with Intent to injure any Person, Civil or Military :

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind.

Forfeiture of Pay and Liquor for habitual Drunkenness.

XXXII. Any General, Garrison, or District Court-martial before which any Soldier shall be convicted of habitual Drunkenness shall deprive such Soldier of such Portion of his Pay, for such

ch Period, not exceeding Two Years, and under such Restrictions and Regulations, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct; and every Regimental or Detachment Court-martial shall deprive a Soldier, convicted of a Charge of habitual Drunkenness, of such portion of his additional or regular Pay, for such Period, not exceeding Six Months, and under such Restrictions and Regulations, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct, and, in addition to Deprivation of Pay, the Court may, if it shall think fit, sentence such Offender to any other Punishment which the Court may be competent to award: Provided always, that a Soldier so sentenced to the Forfeiture of Pay, who shall be quartered at or removed to a Station where Liquor forms Part of his Ration and is issued in Kind, shall be deprived of his Liquor in Kind instead of being deprived of One Penny of his daily Pay for so long a Time as he shall remain at such Station, and such Sentence of Forfeiture of Pay shall remain in force.

XXXVI. A General, Garrison, or District Court-martial may sentence any Soldier to Imprisonment, with or without Hard Labour, and may also direct that such Offender shall be kept in Solitary Confinement for any Portion or Portions of such Imprisonment not exceeding Fourteen Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods; and when the Imprisonment awarded shall extend beyond Three Months, the Court-martial shall imperatively order that the Solitary Confinement shall not exceed Seven Days in any One Month of the whole Imprisonment awarded, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods; and any Regimental or Detachment Court-martial may sentence any Soldier to Imprisonment, with or without Hard Labour, for any Period not exceeding Forty-two Days, and may also direct that such Soldier may be kept in Solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time, with an Interval between them of not less Duration than such Periods of Solitary Confinement; provided that when any Court-martial, whether General, Garrison, or District, or Regimental or Detachment, shall direct that the Imprisonment shall be solitary only, the Periods shall in no Case exceed Fourteen Days.

Power of Imprisonment by different Kinds of Courts-martial.

KCVI. All Offences for which any Penalties and Forfeitures are by this Act imposed, not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, shall and may be determined, and such Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, in every Part of the United Kingdom, by One or more Justice or Justices of the Peace, under the Provisions of an Act passed in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen Victoria, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions, within England and Wales, with respect to summary Convictions and Orders*: Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and

Recovery of Penalties.

11 & 12 Vict. c. 43.

14 & 15 Viet.  
c. 93.

and imprisoned for any Time not exceeding Six Calendar Months ; which said recited Act shall be used and applied in *Scotland* and in *Ireland*, for the Recovery of all such Penalties and Forfeitures, as fully to all Intents as if the said recited Act had extended to *Scotland* and *Ireland*, anything in the said recited Act, or in an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to consolidate and amend the Acts regulating the Proceedings at Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions in Ireland*, to the contrary notwithstanding ; and all such Offences committed in the *British Isles*, or in any of Her Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, before any Justices of the Peace, or Persons exercising like Authority, according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed ; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Sessions in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British Isles*, or in any other Parts of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

### C A P. VIII.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore. [20th April 1852.]

[*This Act is the same, except as to Dates and the Sections here inserted, as 14 & 15 Vict. c. 5.*]

The ordinary  
Course of Law  
not to be inter-  
fered with.

IV. Nothing in this Act shall be construed to extend to exempt any Officer or Marine from being proceeded against by the ordinary Course of Law when accused of Felony, or when accused of any Misdemeanor committed with Violence to the Person, Estate, or Property of any of Her Majesty's Subjects punishable by the well-known Laws of the Land ; and any Commanding Officer who shall neglect or refuse, when due Application shall be made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Marine, or who shall wilfully obstruct, neglect, or refuse to assist any Peace Officer in apprehending any such Offender, shall, upon Conviction thereof in any of Her Majesty's Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be thereupon cashiered, and shall be utterly disabled to hold any Civil or Military Office or Employment in Her Majesty's Service ; and a Certificate of such Conviction shall be transmitted to the Secretary of the Admiralty.

General  
Courts-martial.

VIII. A General Court-martial convened in *Saint Helena*, the Settlements on the Western Coast of *Africa*, *Honduras*, *New Zealand*, the *Australian Colonies*, *Hong Kong*, *Prince of Wales Island*, *Singapore*, and *Malacca*, and the Settlements on the Coast of *China*, shall consist of not less than Five Commissioned Officers ; if convened in *Jamaica*, *Newfoundland*, *Bermuda*, the *Bahamas*, the *Cape of Good Hope* or other Settlements in Southern

Southern *Africa*, or in any Part out of the Queen's Dominions, excepting the *Ionian Islands* and the Parts before mentioned, it shall consist of not less than Seven, and if convened in any other Part of the Queen's Dominions, or in the *Ionian Islands*, or in the Settlements of the *East India Company*, it shall consist of not less than Thirteen Commissioned Officers ; and shall have Power to sentence any Officer or Soldier to suffer Death, Transportation, or any other Punishment which shall accord with the Provisions of this Act.

IX. A District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, the *Cape of Good Hope* or other Settlements in Southern *Africa*, *Saint Helena*, *Jamaica*, *Honduras*, *Newfoundland*, *New Zealand*, the *Australian Colonies*, the *Windward* and *Leeward Islands*, *British Guiana*, *Hong Kong*, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers, and in the Settlements on the Western Coast of *Africa*, where it may consist of not less than Three Commissioned Officers ; and such Court-martial shall have the same Power as a General Court-martial to sentence any Marine to such Punishments as shall accord with the Provisions of this Act ; provided that the Sentence of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in Command of the District, Garrison, Island, or Colony, and that such Court-martial shall not have Power to try a Commissioned Officer, nor to pass any Sentence of Death or Transportation.

District or  
Garrison  
Court-martial.

XVI. In all Trials by Court-martial, as soon as the President and other Officers appointed to serve thereon shall be assembled, their Names shall be read over in the Hearing of the Prisoner, who shall thereupon be asked if he objects to being tried by the President or by any of such Officers, and if the Prisoner shall then object to the President such Objection shall be referred to the Decision of the Authority by whom such President shall have been appointed, but if he object to any Officer other than the President such Objection shall be decided by the President and the other Officers so aforesaid appointed to form the Court ; and when the Place of the President or other Officer, in respect of whom any Challenge shall have been made and allowed, shall be supplied by some Officer in respect of whom no Challenge shall be made or allowed, or if no Challenge whatever shall have been made, or, if made, not allowed, the President and the other Officers composing a General Court-martial shall take the Oaths in the Schedule to this Act annexed before the Judge Advocate or his Deputy, or Person officiating as Judge Advocate, and on Trials by other Courts-martial, before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member may administer the Oath to the President ; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed ; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and

Proceedings  
at Trial.

Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon.

Previous Con-  
victions to be  
put in Evi-  
dence.

XVIII. After a Prisoner has been found guilty of any Charge or Charges the Court before which any such Prisoner shall have been tried may, before passing Sentence on such Prisoner, and for the Purpose only of affixing Punishment, receive in Evidence against him any previous Convictions by Courts-martial, and in like Manner and for the like Purpose the Court shall receive in Evidence any previous Conviction of such Prisoner by a Court of ordinary Criminal Jurisdiction, where the Offence charged in the Indictment was of a felonious, fraudulent, or unnatural Nature; and in the Case of Convictions by Courts-martial, duly confirmed, when the Court-martial Book cannot conveniently be produced, a Certificate, which shall purport to contain a Copy of the Entry of such Convictions in the Court-martial Book, or in the Divisional or Company's Defaulters Book, and which shall be signed by the Adjutant, or other Officer having the Custody of the Court-martial Book or of the Defaulters Book of the Division or Company to which the Prisoner belongs, shall be sufficient Evidence of such Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted as herein provided to the Officer commanding by the Clerk of any such Court or other Officer having Custody of the Records of such Courts, or the Deputy of such Clerk, containing the Substance and Effect of any Indictment, omitting the formal Part, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk, shall be sufficient Evidence of such last-mentioned Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender: Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the said Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him; and provided also, that the Court shall in no Case award to him any other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall have been so found guilty.

Crimes punish-  
able with  
Death.

XXI. If any Person who is or shall be commissioned or in Pay as an Officer of Royal Marines, or who is or shall be listed or in Pay as a Non-commissioned Officer, Drummer, or Private Man in Her Majesty's Royal Marine Forces, shall at any Time during the Continuance of this Act, while on shore in any Place within

within the said Kingdom, or in any other of Her Majesty's Dominions, or in any Foreign Parts out of such Dominions, or on board any Transport Ship, or Merchant Ship or Vessel, or any Ship or Vessel of Her Majesty, or on board any Convict Hulk or Ship, or any other Ship or Vessel, or in any Place whatever, where or while being in any Circumstances in which he shall not be subject to, or not be liable to or punishable by, the Laws relating to the Government of Her Majesty's Forces by Sea, begin, excite, cause, or join in any Mutiny or Sedition in Her Majesty's Marine or other Forces, or shall not use his utmost Endeavours to suppress any such Mutiny or Sedition, or coming to the Knowledge of any Mutiny or intended Mutiny shall not without Delay give Information thereof to his Commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall have been commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer or any other to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before being regularly relieved, or shall be found sleeping on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel, Pirate, or Enemy of Her Majesty, either by Letters, Messages, Signs, Tokens, or any other Ways or Means whatever; or shall treat or enter into any Terms with any such Rebel, Pirate, or Enemy, without the Licence of the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being; or shall strike or use or offer any Violence against his Superior Officer being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or who being confined in a Military Prison shall offer any Violence against a Visitor or other Officer being in the Execution of his Office, or shall violate any Law or Regulation of or relating to any Military Prison; or shall desert Her Majesty's Service; every Person so offending in any of the Matters before mentioned shall suffer Death or such other Punishment as by a Court-martial shall be awarded.

XXIV. Every Officer and other Person employed in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores belonging to Her Majesty's Royal Marine Forces or for their Use, who shall embezzle or fraudulently misapply, wilfully damage, steal, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, wilful Damage, or Theft of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military or Royal Marine Stores, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, and Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and every

Embezzlement  
punishable by  
Transportation.

such Offender shall, in addition to any other Punishment, make good at his own Expense the Loss and Damage sustained, which shall have been ascertained by such Court-martial; and in every such Case the Court is required to ascertain by Evidence the Amount of the Loss or Damage incurred, and to declare by their Sentence that such Amount shall be made good by such Offender; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where the Person sentenced by such Court-martial shall be resident after the said Judgment shall be confirmed and made known; and every Commissioned Officer sentenced to be transported as a Felon, when such Sentence shall be duly confirmed, shall thereupon cease to belong to Her Majesty's Service, and for ever be incapable of serving Her Majesty in any Military Capacity.

Forfeiture of  
Pay and Pen-  
sion by Ser-  
vice of Court-  
martial.

XXXI. Any General Court-martial may, in addition to any other Punishment which it may be competent to award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, Good-conduct Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service, or might accrue from future Service, according to the Nature of the Case; and any District or Garrison Court-martial may also, in addition to any Sentence which such Court may award, sentence any Offender to such Forfeiture for Desertion, or for disgraceful Conduct,

In wilfully maiming or injuring himself, or any other Marine, whether at the Instance of such other Marine or not, with Intent thereby to render himself or such other Marine unfit for Service:

In tampering with his Eyes, with Intent thereby to render himself unfit for Service:

In wilfully doing any Act, or wilfully disobeying any Orders, whether in Hospital or otherwise, thereby producing or aggravating Disease or Infirmary, or delaying his Cure:

In malingering or feigning Disease:

In stealing or embezzling Government Property or Stores, or in receiving the same knowing the same to have been stolen:

In stealing any Money or Goods the Property of a Comrade, of a Marine Officer, or of any Marine Mess or Band, or in receiving any such Money or Goods knowing the same to have been stolen:

In making any false or fraudulent Accounts, Returns, Matters, or Entries, or assisting or conniving at the same being made, or producing the same as true, knowing the same to be false or fraudulent:

In stealing or embezzling or fraudulently misapplying Public Money intrusted to him:

Or in committing any other Offence of a felonious or fraudulent Nature, to the Injury of, or with Intent to injure, any Person, Civil, Marine, or Military:

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind.

XXXIV. Any

**XXXIV.** Any General, Garrison, or District Court-martial before which any Marine shall be convicted of habitual Drunkenness shall deprive such Marine of such Portion of his Pay for such Period not exceeding Two Years, and under such Restrictions and Regulations, as may accord with the Articles of War to be made in pursuance of this Act, subject to Restoration on subsequent good Conduct; and every Divisional or Detachment Court-martial shall deprive a Marine convicted of a Charge of habitual Drunkenness of such Portion of his additional or regular Pay for such Period not exceeding Six Months, and under such Restrictions and Regulations, as may accord with the said Articles of War, subject to Restoration on subsequent good Conduct; and in addition to such Deprivation of Pay the Court may, if it shall think fit, sentence such Offender to any other Punishment which the Court may be competent to award: Provided that a Marine so sentenced to the Forfeiture of Pay who shall be quartered or removed to a Station where Liquor forms a Part of his Ration, and is issued in Kind, shall be deprived of his Liquor in Kind, instead of being deprived of One Penny of his daily Pay, for so long a Time as he shall remain in such Station, and such Sentence of Forfeiture of Pay shall remain in force.

Forfeiture of  
Pay and Liquor  
for habitual  
Drunkenness.

**XXXIX.** A General or District or Garrison Court-martial may sentence any Marine to Imprisonment, with or without Hard Labour, and may also direct that such Offender shall be kept in Solitary Confinement for any Portion or Portions of such Imprisonment not exceeding Fourteen Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods; and when the Imprisonment awarded shall extend beyond Three Months, the Court-martial shall imperatively order that the Solitary Confinement shall not exceed Seven Days in any One Month of the whole Imprisonment awarded, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods; and any Divisional or Detachment Court-martial may sentence any Marine to Imprisonment, with or without Hard Labour, for any Period not exceeding Forty-two Days, and may also direct that such Marine may be kept in Solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time, with an Interval between them of not less Duration than such Periods of Solitary Confinement: Provided always, that when any Court-martial, whether General, Garrison, or District, or Divisional or Detachment, shall direct that the Imprisonment shall be solitary only, the Period shall in no Case exceed Fourteen Days.

Power of Im-  
prisonment by  
different Kinds  
of Courts-  
martial.

**LVIII.** No Person who shall be commissioned and in Full Pay as an Officer in the Royal Marine Forces, or who shall be employed in enlisting for such Forces, shall be capable of being nominated or elected to be Sheriff, Constable, or Overseer, Guardian of any Union, or any Officer of a like Description, of any County, Hundred, Riding, City, Borough, Town, Division, Parish, or other Place, or to be Mayor, Portreeve, Alderman, or shall be capable of holding any Office in any Municipal Corporation in any City, Borough, or Place in *Great Britain or Ireland*, or be summoned or shall serve as a Grand or Petit Juror or upon any Inquest, and

Officers not to  
be Sheriffs or  
Mayors.



any Summons for him to attend to serve as a Grand or Petit Juror or upon an Inquest shall be null and void; and every such Person is hereby exempted from Attendance and Service in accordance with any such Summons, and from all Fines, Pains, and Penalties for or in consequence of not attending or serving as aforesaid.

Billeting of  
Marines.

XLIX. 'And whereas there is and may be Occasion for the ' marching and also for the quartering of the Royal Marine Forces ' when on shore: ' Be it enacted, That during the Continuance of this Act, upon the Order or Orders in Writing in that Behalf under the Hand of the Lord High Admiral, or the Hands of Two or more of the Commissioners for executing the Office of Lord High Admiral, for the Time being, or upon the Order or Orders in Writing in that Behalf under the Hand of any Colonel Commandant or Commanding Officer of any Division of Royal Marines, it shall be lawful for all Constables and other Persons specified in this Act in *England* and *Ireland*, and they are hereby required, to billet the Officers and Marines, whether marching or otherwise, and all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to the Royal Marine Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by Her Majesty's Regulations, in Victualling Houses and other Houses specified in this Act, taking care in *Ireland* not to billet less than Two Men in any One House; and they shall be received by the Occupiers of such Houses, and be furnished by such Victualler with proper Accommodation in such Houses, and with a separate Bed for each Marine, or if any Victualler shall not have sufficient Accommodation in the House upon which a Marine is billeted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *England* with Diet and Small Beer, and with Stables, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Time when Marines are on their March shall any of them be billeted above One Mile from the Place mentioned in the Route; and in all Places where Marines shall be billeted in pursuance of this Act, the Officers and their Horses shall be billeted in One and the same House, except in case of Necessity; and the Constables are hereby required to billet all Marines on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in the Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were therein locally situated: Provided always, that nothing herein contained shall be construed to extend to authorize any Constable to billet Marines out of the County to which such Constable belongs when the Constable of the adjoining County shall be present and undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Marines and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present, or to the Non-commissioned Officer on the Spot; and if any Person shall find himself aggrieved by having an undue Proportion

Proportion of Marines billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice, then to Two or more Justices, within whose Jurisdiction such Marines are billeted, such Justices respectively shall have Power to order such of the Marines to be removed, and to be billeted upon other Persons as they shall see Cause; and when any Horses belonging to the Officers of Her Majesty's Royal Marine Forces shall be billeted upon the Occupiers of Houses who shall have no Stables, then, upon a written Requisition of the Officer commanding such Marines, the Constable is hereby required to billet the Horses upon some other Person having Stables by this Act liable to have Officers and Marines billeted upon them, and any Two or more Justices of the Peace may order a proper Allowance to be paid by the Persons relieved to the Persons receiving such Horses, or to be applied in the furnishing the requisite Accommodation; and the Commanding Officer may exchange any Man or Horse billeted in any Place with another Man or Horse billeted in the same Place, for the Convenience or Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Marines requiring Billets, to extend any Route, or enlarge the District within which Billets shall be required, in such Manner as shall appear to be most convenient to Her Majesty's Service: Provided also, that to prevent or punish all Abuses in billeting Marines it shall be lawful for any Justice, within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Marines who shall be quartered by such Constable, together with the Names of the Persons upon whom such Officers and Marines are billeted, stating the Street or Place where such Persons dwell, and the Signs, if any, belonging to their Houses; and it shall be lawful for Constables to billet Officers and Marines in *Scotland* according to the Provisions of the Laws in force in *Scotland* as regards billeting Officers and Soldiers in the Royal Army at the Time of its Union with *England*; and no Officer shall be obliged to pay for his Lodging where he shall be regularly billeted, except in the Suburbs of *Edinburgh*: Provided also, that no Justice being an Officer of Royal Marines shall directly or indirectly be concerned in billeting or appointing Quarters under this Act.

LXXXVI. All Offences for which any pecuniary Penalty or Forfeiture not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, is by this Act imposed, shall and may be heard and determined by any Justice of the Peace in or near to the Place where the Offence shall be committed, or where the Offender may at any Time happen to be; and all such Penalties and Forfeitures, and Forfeiture of Value and Treble Value, and also the reasonable Costs attending the Prosecution, to be duly ascertained and awarded by such Justice, shall and may be enforced and recovered in the same Manner as any pecuniary Penalties may be recovered under the Pro-

Recovery of  
Penalties.

11 & 12 Vict.  
c. 43.

visions of an Act passed in the Twelfth Year of the Reign of Her Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to summary Convictions and Orders*: Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned, with or without Hard Labour, for any Time not exceeding Six Calendar Months; which said recited Act shall be used and applied in *Scotland* and in *Ireland* for the Recovery of all such Penalties and Forfeitures as fully to all Intents as if the said recited Act had extended to *Scotland* and *Ireland*, anything in the said recited Act, or in an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to consolidate and amend the Acts regulating the Proceedings at Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in Ireland*, to the contrary notwithstanding; and all such Offences committed in the *British Isles*, or in any of Her Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures of Value or Treble Value recovered, before any Justices of the Peace or Persons exercising like Authority, according to the Laws of Her Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British Isles*, or in any other Part of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

14 & 15 Vict.  
c. 93.

### C A P. IX.

An Act to disfranchise the Borough of *Saint Alban*.

[3d May 1852.]

14 & 15 Vict.  
c. 106.

‘ WHEREAS an Act was passed in the last Session of Parliament “for appointing Commissioners to inquire into  
‘ “the Existence of Bribery in the Borough of *Saint Alban*,”  
‘ whereby, after reciting that there was reason to believe that the  
‘ Practice of Bribery at Elections of Members to serve in Parliament for the Borough of *Saint Alban*’s had long prevailed in  
‘ the said Borough, and that Bribery to a great Extent had been  
‘ systematically committed there at the last Election of a Member  
‘ to serve in Parliament, certain Commissioners were therein  
‘ named and appointed for inquiring into the Manner in which  
‘ Elections of Members or a Member to serve in Parliament for  
‘ the said Borough, and in particular the last Election of a Member, had been conducted, and whether any Bribery had been  
‘ committed at such Elections or any of them, and into the Particulars of such alleged Bribery, as in the said Act is more fully  
‘ set forth; and by the said Act the said Commissioners were  
‘ directed from Time to Time to report to Her Majesty the Evidence which should be taken by them, and what they should  
‘ find concerning the Premises: And whereas the said Commissioners

' sioners made their Report in Writing to Her Majesty dated the Second Day of *February* in the Year One thousand eight hundred and fifty-two, and thereby, after detailing various corrupt and illegal Practices in relation to Elections of Members for the said Borough, finally reported that the Practice of Bribery at Elections of Members to serve in Parliament for the Borough of *Saint Alban's* had long prevailed in the said Borough, and that Bribery to a great Extent was systematically committed there at the last Election of a Member to serve in Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Borough of *Saint Alban's* in the County of *Hertford* shall from and after the passing of this Act cease to return any Members or Member to serve in Parliament.

The Borough of *Saint Alban's* to cease to return Members.

## C A P. X.

An Act for raising the Sum of Seventeen millions seven hundred and forty-two thousand eight hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-two. [3d May 1852.]

## C A P. XI.

An Act to continue an Act of the Twelfth Year of Her present Majesty, to prevent the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals. [3d May 1852.]

[11 & 12 Vict. c. 107. continued until 1st September 1853.]

## C A P. XII.

An Act to enable Her Majesty to carry into effect a Convention with *France* on the Subject of Copyright; to extend and explain the International Copyright Acts; and to explain the Acts relating to Copyright in Engravings. [28th May 1852.]

' **WHEREAS** an Act was passed in the Seventh Year of the Reign of Her present Majesty, intituled *An Act to amend the Law relating to International Copyright*, herein-after called "The International Copyright Act:" And whereas a Convention has lately been concluded between Her Majesty and the *French Republic*, for extending in each Country the Enjoyment of Copyright in Works of Literature and the Fine Arts first published in the other, and for certain Reductions of Duties now levied on Books, Prints, and Musical Works published in *France*: And whereas certain of the Stipulations on the Part of Her Majesty contained in the said Treaty require the Authority of Parliament: And whereas it is expedient that such Authority should be given, and that Her Majesty should be enabled to make similar Stipulations in any Treaty on the Subject of Copyright which may hereafter be concluded with any Foreign Power: ' 7 & 8 Vict. c. 12.

‘ Power :’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

*Translations.*

7 & 8 Vict. c. 12.  
s. 18. repealed.

Her Majesty may by Order in Council direct that Authors of Foreign Books may for a limited Time prevent unauthorized Translations.

Thereupon the Law of Copyright shall extend to prevent such Translations.

And by Order in Council may direct that Authors of Foreign Dramatic Works may for a limited Time prevent unauthorized Translations.

Thereupon the Law for protecting their Representation shall extend to unauthorized Translations.

I. The Eighteenth Section of the said Act of the Seventh Year of Her present Majesty, Chapter Twelve, shall be repealed, so far as the same is inconsistent with the Provisions herein-after contained.

II. Her Majesty may, by Order in Council, direct that the Authors of Books which are, after a future Time, to be specified in such Order, published in any Foreign Country, to be named in such Order, their Executors, Administrators, and Assigns, shall, subject to the Provisions herein-after contained or referred to, be empowered to prevent the Publication in the *British* Dominions of any Translations of such Books not authorized by them, for such Time as may be specified in such Order, not extending beyond the Expiration of Five Years from the Time at which the authorized Translations of such Books herein-after mentioned are respectively first published, and in the Case of Books published in Parts, not extending as to each Part beyond the Expiration of Five Years from the Time at which the authorized Translation of such Part is first published.

III. Subject to any Provisions or Qualifications contained in such Order, and to the Provisions herein contained or referred to, the Laws and Enactments for the Time being in force for the Purpose of preventing the Infringement of Copyright in Books published in the *British* Dominions shall be applied for the Purpose of preventing the Publication of Translations of the Books to which such Order extends which are not sanctioned by the Authors of such Books, except only such Parts of the said Enactments as relate to the Delivery of Copies of Books for the Use of the *British Museum*, and for the Use of the other Libraries therein referred to.

IV. Her Majesty may, by Order in Council, direct that Authors of Dramatic Pieces which are, after a future Time, to be specified in such Order, first publicly represented in any Foreign Country, to be named in such Order, their Executors, Administrators, and Assigns, shall, subject to the Provisions herein-after mentioned or referred to, be empowered to prevent the Representation in the *British* Dominions of any Translation of such Dramatic Pieces not authorized by them, for such Time as may be specified in such Order, not extending beyond the Expiration of Five Years from the Time at which the authorized Translations of such Dramatic Pieces herein-after mentioned are first published or publicly represented.

V. Subject to any Provisions or Qualifications contained in such last-mentioned Order, and to the Provisions herein-after contained or referred to, the Laws and Enactments for the Time being in force for ensuring to the Author of any Dramatic Piece first publicly represented in the *British* Dominions the sole Liberty of representing the same shall be applied for the Purpose of preventing the Representation of any Translations of the Dramatic Pieces to which such last-mentioned Order extends, which are not sanctioned by the Authors thereof.

VI. Nothing

VI. Nothing herein contained shall be so construed as to prevent fair Imitations or Adaptations to the *English Stage* of any Dramatic Piece or Musical Composition published in any Foreign Country.

Adaptations,  
&c. of Dramatic  
Pieces.

VII. Notwithstanding anything in the said International Copyright Act or in this Act contained, any Article of political Discussion which has been published in any Newspaper or Periodical in a Foreign Country may, if the Source from which the same is taken be acknowledged, be republished or translated in any Newspaper or Periodical in this Country; and any Article relating to any other Subject which has been so published as aforesaid may, if the Source from which the same is taken be acknowledged, be republished or translated in like Manner, unless the Author has signified his Intention of preserving the Copyright therein, and the Right of translating the same, in some conspicuous Part of the Newspaper or Periodical in which the same was first published, in which Case the same shall, without the Formalities required by the next following Section, receive the same Protection as is by virtue of the International Copyright Act or this Act extended to Books.

All Articles in  
Newspapers,  
&c. relating to  
Politics, &c.  
may be repub-  
lished or trans-  
lated; unless  
Author has no-  
tified his Inten-  
tion to reserve  
the Right.

VIII. No Author, or his Executors, Administrators, or Assigns, shall be entitled to the Benefit of this Act, or of any Order in Council issued in pursuance thereof, in respect of the Translation of any Book or Dramatic Piece, if the following Requisitions are not complied with; (that is to say,)

No Author to be  
entitled to Be-  
nefit of this Act  
without com-  
plying with the  
Requisitions  
herein specified.

1. The original Work from which the Translation is to be made must be registered and a Copy thereof deposited in the United Kingdom in the Manner required for original Works by the said International Copyright Act, within Three Calendar Months of its First Publication in the Foreign Country;
2. The Author must notify on the Title Page of the original Work, or if it is published in Parts, on the Title Page of the First Part, or if there is no Title Page, on some conspicuous Part of the Work, that it is his Intention to reserve the Right of translating it;
3. The Translation sanctioned by the Author, or a Part thereof, must be published either in the Country mentioned in the Order in Council by virtue of which it is to be protected or in the *British Dominions*, not later than One Year after the Registration and Deposit in the United Kingdom of the original Work, and the whole of such Translation must be published within Three Years of such Registration and Deposit;
4. Such Translation must be registered and a Copy thereof deposited in the United Kingdom within a Time to be mentioned in that Behalf in the Order by which it is protected, and in the Manner provided by the said International Copyright Act for the Registration and Deposit of original Works;
5. In the Case of Books published in Parts, each Part of the original Work must be registered and deposited in this Country in the Manner required by the said International Copyright

shall be subject only to the Duty on "Works not originally produced in the United Kingdom."

*Lithographs, &c.*

Recital of

8 G. 2. c. 13.

7 G. 3. c. 38.

17 G. 3. c. 57.

6 & 7 W. 4.

s. 59.

XIV. ' And whereas by the Four several Acts of Parliament following; (that is to say,) an Act of the Eighth Year of the Reign of King *George* the Second, Chapter Thirteen; an Act of the Seventh Year of the Reign of King *George* the Third, Chapter Thirty-eight; an Act of the Seventeenth Year of the Reign of King *George* the Third, Chapter Fifty-seven; and an Act of the Seventh Year of King *William* the Fourth, Chapter Fifty-nine, Provision is made for securing to every Person who invents, or designs, engraves, etches, or works in Mezzotinto or Chiaro-oscuro, or, from his own Work, Design, or Invention, causes or procures to be designed, engraved, etched, or worked in Mezzotinto or Chiaro-oscuro, any Historical Print or Prints, or any Print or Prints of any Portrait, Conversation, Landscape, or Architecture, Map, Chart, or Plan, or any other Print or Prints whatsoever, and to every Person who engraves, etches, or works in Mezzotinto or Chiaro-oscuro, or causes to be engraved, etched, or worked any Print taken from any Picture, Drawing, Model, or Sculpture, notwithstanding such Print has not been graven or drawn from his own original Design, certain Copyrights therein defined: And whereas Doubts are entertained whether the Provisions of the said Acts extend to Lithographs and certain other Impressions, and it is expedient to remove such Doubts:'

For Removal of Doubts as to Lithographs, Prints, &c.

It is hereby declared, That the Provisions of the said Acts are intended to include Prints taken by Lithography, or any other mechanical Process by which Prints or Impressions of Drawings or Designs are capable of being multiplied indefinitely, and the said Acts shall be construed accordingly.

### C A P. XIII.

An Act to amend and continue certain Acts relating to Linen, Hempen, and other Manufactures in *Ireland*.

[28th May 1852.]

' WHEREAS an Act was passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to continue and amend certain Regulations for the Linen and Hempen Manufactures in Ireland*: And whereas an Act was passed in the Session of Parliament held in the Third and Fourth Years of Her present Majesty, intituled *An Act for the more effectual Prevention of Frauds and Abuses committed by Weavers, Sewers, and other Persons employed in the Linen, Hempen, Union, Cotton, Silk, and Woollen Manufactures in Ireland, and for the better Payment of their Wages, for One Year, and from thence to the End of the then next Session of Parliament*: And whereas an Act was passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to amend, and continue to the Twenty-seventh Day of July One thousand eight hundred and forty-three, and to the End of the next Session of Parliament, an Act of the Third*

5 & 6 W. 4. c. 27.

3 & 4 Vict. c. 91.

5 & 6 Vict. c. 68.

'and

‘ and Fourth Years of Her present Majesty, for the more effectual Prevention of Frauds and Abuses committed by Weavers, Sewers, and other Persons employed in the Linen, Hempen, Union, Cotton, Silk, and Woollen Manufactures in Ireland, and for the better Payment of their Wages: And whereas an Act was passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to amend and continue for Five Years, and to the End of the next Session of Parliament, certain Acts relating to Linen, Hempen, and other Manufactures in Ireland*: And whereas an Act was passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of Her present Majesty’s Reign, Chapter Forty-eight, whereby the said herein-before recited Acts were continued as therein mentioned: And whereas it is expedient that the first herein-before recited Act, and the secondly and thirdly and fourthly herein-before recited Acts, should be further continued, subject to the respective Amendments thereof:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said first herein-before recited Act, except as to such Parts thereof as have been repealed by the said secondly herein-before recited Act, and subject to the Amendments thereof in the said subsequent recited Acts contained, and the said secondly and thirdly and fourthly herein-before recited Acts, subject to the respective Amendments thereof, shall be continued and shall be and remain in force from the passing of this Act for One Year, and until the End of the then next Session of Parliament.

Continuation of Acts for One Year and to the End of the next Session.

#### C A P. XIV.

An Act to continue an Act of the Fifteenth Year of Her present Majesty, for charging the Maintenance of certain poor Persons in Unions in *England* and *Wales* upon the Common Fund. [28th May 1852.]

‘ **W**HEREAS by an Act passed in the Fifteenth Year of Her Majesty, Chapter One hundred and five, certain Provisions made by the several Acts therein referred to for charging upon the Common Fund of the Union the Costs of the Relief and the Expenses of the Burial of certain poor Persons in the several Acts described, and the Costs of removing and maintaining certain lunatic Paupers, were continued until the Thirtieth Day of *September* One thousand eight hundred and fifty-two, and to the End of the then next Session of Parliament, and it is expedient that all the said Provisions should be continued for a limited Time:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the said several temporary Provisions in the said Acts above referred to shall continue in full Force until the Thirtieth Day of *September* One thousand eight hundred and fifty-three, and to the End of the then next Session of Parliament.

14 & 15 Vict. c. 105.

Temporary Provisions of recited Act further continued.

C A P.



## C A P XV.

An Act to continue an Act to amend the Laws relating to  
Loan Societies. [28th May 1852.]

[3 & 4 Vict. c. 110. continued until 1st October 1853.]

## C A P. XVI.

An Act to amend the Acts relating to the Repayment  
of Advances made to Districts in *Ireland*.

[28th May 1852.]

13 & 14 Vict.  
c. 14.

‘ **W**HEREAS under the Provisions of an Act passed in the  
Thirteenth Year of Her Majesty, intituled *An Act to*  
‘ *authorize a further Advance of Money to certain distressed*  
‘ *Poor Law Unions, and to make Provision for the Repayment*  
‘ *of Advances made and authorized to be made to Poor Law*  
‘ *Unions and other Districts in Ireland*, and by several Orders  
‘ under the Seal of the Commissioners for administering the Laws  
‘ for Relief of the Poor in *Ireland*, Annuities have been charged  
‘ on several Electoral Divisions, Townlands, and other Denomi-  
‘ nations and Places in several Unions in *Ireland*: And whereas,  
‘ upon Representations contained in Memorials from many Unions  
‘ in *Ireland* of the Pressure upon the local Resources of several  
‘ Electoral Divisions on account of the necessary Expenditure  
‘ for the Relief of the Poor, and in anticipation of a Measure to  
‘ be submitted to Parliament, the Commissioners of Her Majesty’s  
‘ Treasury, by a Minute dated the Twenty-first Day of *October*  
‘ One thousand eight hundred and fifty-one, authorized the said  
‘ Poor Law Commissioners in *Ireland* to direct the Treasurer of  
‘ any Union in *Ireland* to retain in his Hand any Sum which he  
‘ might have received from or on account of any Electoral Divi-  
‘ sion in which the Expenditure for the Relief of the Poor in the  
‘ Year ending the Twenty-ninth Day of *September* One thousand  
‘ eight hundred and fifty-one had amounted to Four Shillings in  
‘ the Pound on the Valuation then in force, and not to pay over  
‘ to the Paymaster of Civil Services in *Ireland* the Annuity due  
‘ from such Electoral Division for the current Year, and where  
‘ the Annuity for the current Year, added to such Expenditure,  
‘ amounted, for any Electoral Division, to a Sum exceeding Four  
‘ Shillings in the Pound on such Valuation, to pay over to the  
‘ Paymaster of Civil Services such Sum only in respect of the  
‘ Annuity as, together with the Charge for Relief of the Poor in  
‘ the past Year, would amount to Four Shillings in the Pound,  
‘ and to retain the Remainder in his own Hands: And whereas  
‘ it is expedient that the Directions contained in the said Minute  
‘ of the Commissioners of the Treasury should be confirmed, and  
‘ that the Sums retained in respect of Annuities should be re-  
‘ mitted:’ Be it enacted by the Queen’s most Excellent Majesty,  
by and with the Advice and Consent of the Lords Spiritual and  
Temporal, and Commons, in this present Parliament assembled,  
and by the Authority of the same, That—

Treasury Mi-  
nute of 21st  
Oct 1851 con-

I. The said Minute of the Commissioners of Her Majesty’s  
Treasury shall be valid; and the Commissioners for administer-  
ing the Laws for the Relief of the Poor in *Ireland*, and the  
Treasurers

Treasurers of Unions, and others, who may have acted in pursuance of the Directions of the said Minute, shall be acquitted and saved harmless in respect of their Acts, in pursuance of the said Minute; and all such Sums as are by the said Minute, and the Directions of the Commissioners for administering the Laws for Relief of the Poor in *Ireland* (in pursuance of such Minute), authorized to be retained in the Hands of the several Treasurers of Unions in *Ireland* to which such Minute and Directions relate, shall be carried by such respective Treasurers to the Credit of the several Electoral Divisions from the Rates of which such Sums may have been or may be reserved; and the Sums payable in the Year One thousand eight hundred and fifty-one in respect of the Annuities mentioned in such Minute and Directions, where the Treasurers under the Terms of such Minute and Directions are not to pay over to the Paymaster of Civil Services any Part thereof, and the Parts of the Sums so payable which the Treasurers were authorized to retain where they were authorized to retain Parts only thereof, shall be remitted, and deemed to be discharged without further Payment.

II. 'And whereas in some Cases the Amount of Annuity charged upon Electoral Divisions, Townlands, or other Denominations by Orders under the Seal of the Commissioners for administering the Laws for Relief of the Poor in *Ireland*, under the Provisions of the said recited Act, exceeded and in other Cases was less than the Proportion of the consolidated Liabilities which ought to have been charged on such Electoral Divisions, Townlands, or other Denominations, such Proportion having been calculated upon Returns of the net annual Value of the Property rated for the Relief of the Poor according to the Valuation which was in force at the Date of the passing of the said Act, which Returns were afterwards found to be erroneous, and the said last-mentioned Commissioners have, under the Directions of the Commissioners of Her Majesty's Treasury, issued further Orders under their Seal amending the Orders originally issued in relation to such Electoral Divisions, Townlands, or other Denominations as aforesaid.'

Such last-mentioned Orders shall be and are hereby declared to be as valid and effectual as if the Amendments thereby declared to be made had formed Part of the Orders originally issued to such Unions under the Provisions of the said Act, although the total Amount of the Annuities payable by or from the Union in which such Electoral Divisions, Townlands, or other Denominations are comprised may be altered by such amending Orders.

III. If it shall hereafter appear to the said Commissioners of Her Majesty's Treasury, that through Error in the Returns which were adopted as the Basis of the Apportionment of the said consolidated Debts and Liabilities, or by reason of any other Cause shown to the Satisfaction of the said Commissioners, any Electoral Division, Townland, or other Denomination shall be charged with a greater or less Proportion of the said consolidated Debts and Liabilities than that with which it shall appear to the Commissioners of Her Majesty's Treasury such Electoral Division, Townland, or other Denomination is justly chargeable, it

Orders of Poor Law Commissioners amending previous Orders founded on erroneous Valuations of Property confirmed.

Power to Treasury to cause erroneous Charges to be corrected.

## C A P XV.

An Act to continue an Act to amend the Laws relating to  
Loan Societies. [28th May 1852.]

[3 & 4 Vict. c. 110. continued until 1st October 1853.]

## C A P. XVI.

An Act to amend the Acts relating to the Repayment  
of Advances made to Districts in *Ireland*.

[28th May 1852.]

13 & 14 Vict.  
c. 14.

‘ WHEREAS under the Provisions of an Act passed in the  
Thirteenth Year of Her Majesty, intituled *An Act to*  
‘ *authorize a further Advance of Money to certain distressed*  
‘ *Poor Law Unions, and to make Provision for the Repayment*  
‘ *of Advances made and authorized to be made to Poor Law*  
‘ *Unions and other Districts in Ireland*, and by several Orders  
‘ under the Seal of the Commissioners for administering the Laws  
‘ for Relief of the Poor in *Ireland*, Annuities have been charged  
‘ on several Electoral Divisions, Townlands, and other Denomi-  
‘ nations and Places in several Unions in *Ireland*: And whereas,  
‘ upon Representations contained in Memorials from many Unions  
‘ in *Ireland* of the Pressure upon the local Resources of several  
‘ Electoral Divisions on account of the necessary Expenditure  
‘ for the Relief of the Poor, and in anticipation of a Measure to  
‘ be submitted to Parliament, the Commissioners of Her Majesty’s  
‘ Treasury, by a Minute dated the Twenty-first Day of *October*  
‘ One thousand eight hundred and fifty-one, authorized the said  
‘ Poor Law Commissioners in *Ireland* to direct the Treasurer of  
‘ any Union in *Ireland* to retain in his Hand any Sum which he  
‘ might have received from or on account of any Electoral Divi-  
‘ sion in which the Expenditure for the Relief of the Poor in the  
‘ Year ending the Twenty-ninth Day of *September* One thousand  
‘ eight hundred and fifty-one had amounted to Four Shillings in  
‘ the Pound on the Valuation then in force, and not to pay over  
‘ to the Paymaster of Civil Services in *Ireland* the Annuity due  
‘ from such Electoral Division for the current Year, and where  
‘ the Annuity for the current Year, added to such Expenditure,  
‘ amounted, for any Electoral Division, to a Sum exceeding Four  
‘ Shillings in the Pound on such Valuation, to pay over to the  
‘ Paymaster of Civil Services such Sum only in respect of the  
‘ Annuity as, together with the Charge for Relief of the Poor in  
‘ the past Year, would amount to Four Shillings in the Pound,  
‘ and to retain the Remainder in his own Hands: And whereas  
‘ it is expedient that the Directions contained in the said Minute  
‘ of the Commissioners of the Treasury should be confirmed, and  
‘ that the Sums retained in respect of Annuities should be re-  
‘ mitted:’ Be it enacted by the Queen’s most Excellent Majesty,  
by and with the Advice and Consent of the Lords Spiritual and  
Temporal, and Commons, in this present Parliament assembled,  
and by the Authority of the same, That—

Treasury Mi-  
nute of 21st  
Oct. 1851 con-  
firmed.

I. The said Minute of the Commissioners of Her Majesty’s  
Treasury shall be valid; and the Commissioners for administer-  
ing the Laws for the Relief of the Poor in *Ireland*, and the  
Treasurers

Treasurers of Unions, and others, who may have acted in pursuance of the Directions of the said Minute, shall be acquitted and saved harmless in respect of their Acts, in pursuance of the said Minute; and all such Sums as are by the said Minute, and the Directions of the Commissioners for administering the Laws for Relief of the Poor in *Ireland* (in pursuance of such Minute), authorized to be retained in the Hands of the several Treasurers of Unions in *Ireland* to which such Minute and Directions relate, shall be carried by such respective Treasurers to the Credit of the several Electoral Divisions from the Rates of which such Sums may have been or may be reserved; and the Sums payable in the Year One thousand eight hundred and fifty-one in respect of the Annuities mentioned in such Minute and Directions, where the Treasurers under the Terms of such Minute and Directions are not to pay over to the Paymaster of Civil Services any Part thereof, and the Parts of the Sums so payable which the Treasurers were authorized to retain where they were authorized to retain Parts only thereof, shall be remitted, and deemed to be discharged without further Payment.

II. 'And whereas in some Cases the Amount of Annuity charged upon Electoral Divisions, Townlands, or other Denominations by Orders under the Seal of the Commissioners for administering the Laws for Relief of the Poor in *Ireland*, under the Provisions of the said recited Act, exceeded and in other Cases was less than the Proportion of the consolidated Liabilities which ought to have been charged on such Electoral Divisions, Townlands, or other Denominations, such Proportion having been calculated upon Returns of the net annual Value of the Property rated for the Relief of the Poor according to the Valuation which was in force at the Date of the passing of the said Act, which Returns were afterwards found to be erroneous, and the said last-mentioned Commissioners have, under the Directions of the Commissioners of Her Majesty's Treasury, issued further Orders under their Seal amending the Orders originally issued in relation to such Electoral Divisions, Townlands, or other Denominations as aforesaid.'

Such last-mentioned Orders shall be and are hereby declared to be as valid and effectual as if the Amendments thereby declared to be made had formed Part of the Orders originally issued to such Unions under the Provisions of the said Act, although the total Amount of the Annuities payable by or from the Union in which such Electoral Divisions, Townlands, or other Denominations are comprised may be altered by such amending Orders.

III. If it shall hereafter appear to the said Commissioners of Her Majesty's Treasury, that through Error in the Returns which were adopted as the Basis of the Apportionment of the said consolidated Debts and Liabilities, or by reason of any other Cause shown to the Satisfaction of the said Commissioners, any Electoral Division, Townland, or other Denomination shall be charged with a greater or less Proportion of the said consolidated Debts and Liabilities than that with which it shall appear to the Commissioners of Her Majesty's Treasury such Electoral Division, Townland, or other Denomination is justly chargeable, it

Orders of Poor Law Commissioners amending previous Orders founded on erroneous Valuations of Property confirmed.

Power to Treasury to cause erroneous Charges to be corrected.

shall be lawful for the said Commissioners of Her Majesty's Treasury to cause such Proportion to be re-calculated, and the Annuity previously charged in respect thereof to be altered as to the said Commissioners of Her Majesty's Treasury shall seem just; and the Commissioners for administering the Laws for Relief of the Poor in *Ireland*, upon receiving from the said Commissioners of Her Majesty's Treasury a Statement of the Annuities which should be charged upon any Townland or Electoral Division in lieu of the Annuities previously charged thereon, shall issue an Order under their Seal amending and altering any Order previously issued by them, in respect to the Amount, Duration, or Day of Payment of the Annuities previously charged on the several Electoral Divisions, Townlands, or other Denominations, and Places, as the said Commissioners of Her Majesty's Treasury may direct.

Poor Law Commissioners may cause Adjustments to be made for the Indemnification of Electoral Divisions, &c. who may have paid more than their due Proportion of Charges.

IV. In any Case in which a Rate or Rates shall have been made, containing or including Provision for Payment of the Annuity charged upon any Electoral Division, Townland, or other Denomination previously to the Issue of such last-mentioned Orders of the said Commissioners for administering the Laws for Relief of the Poor in *Ireland*, it shall be lawful for the said Commissioners of Her Majesty's Treasury to direct that such Adjustment and Indemnification of the Electoral Division, Townland, or other Denomination so erroneously charged shall be made as the Circumstances of the Case may, after due Inquiry and Examination, appear to require; and the said Commissioners for administering the Laws for Relief of the Poor in *Ireland* shall issue under their Seal such Order or Orders, addressed to the Guardians of the Union in which such Electoral Division, Townland, or other Denomination may be situated, providing for such Adjustment or Indemnification, by reducing or increasing the Amount of the then next or of any subsequent Payment or Payments of the Annuity chargeable on any such Electoral Division, Townland, or other Denomination, as the said Commissioners of Her Majesty's Treasury shall direct and approve.

Power to Poor Law Commissioners to rescind Orders, and act upon further Directions of the Treasury.

V. It shall be lawful for the said Commissioners for administering the Laws for Relief of the Poor in *Ireland* to rescind any Order under their Seal which shall have been issued by them in pursuance of the Provisions of the said Act or of this Act, and to receive and act upon the further Directions of the said Commissioners of Her Majesty's Treasury in respect of any Matter contained in the said Order; and every such Order which shall have been rescinded by them before the passing of this Act shall be deemed to have been as duly rescinded as if this Act had then been passed.

### C A P. XVII.

An Act for further continuing certain temporary Provisions concerning Ecclesiastical Jurisdiction in *England*.

[28th May 1852.]

' **W**HEREAS an Act was passed in the Session holden in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to amend the Law as to Ecclesiastical*

‘ *siastical Jurisdiction in England, by which it was enacted, that certain of the Provisions therein contained should continue until the First Day of August One thousand eight hundred and forty-eight, and, if Parliament were then sitting, until the End of the then Session of Parliament ; and such Provisions have been continued by sundry Acts until the First Day of August One thousand eight hundred and fifty-two, and to the End of the then next Session of Parliament: And whereas it is expedient that the said Provisions should be further continued:’*  
 Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Provisions of the said Act shall continue until the First Day of August One thousand eight hundred and fifty-three, and to the End of the then next Session of Parliament.

Certain Provisions of re-cited Act further continued.

## C A P. XVIII.

An Act to continue the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor.

[28th May 1852.]

[3 & 4 Vict. c. 89. continued until 1st Oct. 1853.]

## C A P. XIX.

An Act to continue an Act for authorizing the Application of Highway Rates to Turnpike Roads.

[28th May 1852.]

[4 & 5 Vict. c. 59. continued until 1st Oct. 1853.]

## C A P. XX.

An Act to continue the Duties on Profits arising from Property, Professions, Trades, and Offices.

[28th May 1852.]

‘ Most Gracious Sovereign,  
 ‘ **W**HEREAS by an Act passed in the Fifth and Sixth Years of Your Majesty’s Reign, intituled *An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices until the Sixth Day of April One thousand eight hundred and forty-five*, certain Rates and Duties arising from Property, Professions, Trades, and Offices were granted to Your Majesty for a Term therein limited and now expired ; and by Three several Acts passed respectively in the Eighth, Eleventh, and Fourteenth Years of Your Majesty’s Reign the same Rates and Duties were continued for Three several and successive Terms, the latter of such Terms expiring with the Fifth Day of April One thousand eight hundred and fifty-two: We, Your Majesty’s most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty’s public Expenses, have freely

5 & 6 Vict. c. 35.

8 & 9 Vict. c. 4.

11 & 12 Vict.

c. 8.

14 & 15 Vict.

c. 12.

and voluntarily resolved to continue the said Rates and Duties, and to grant the same to Your Majesty for the Period herein-after limited; and do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That—

Rates and Duties granted by first-recited Act further continued for One Year.

I. The several Rates and Duties by the said first-recited Act granted shall be and the same are hereby continued, and shall be charged, raised, levied, collected, and paid unto and for the Use of Her Majesty, Her Heirs and Successors, from and after the Fifth Day of *April* One thousand eight hundred and fifty-two, for the Term of One Year thence next ensuing, and until the Assessments made or which ought to be made for the said last-mentioned Term, or for any preceding Year, shall be completed, collected, levied, and paid.

First-recited Act and the several other Acts continued in force.

II. The said first-recited Act, and all and every other Act and Acts in force upon or immediately before the Fifth Day of *April* One thousand eight hundred and fifty-two in relation to the Duties granted by the said first-recited Act, shall severally be continued and remain in full Force and Effect in relation to the Duties hereby continued and granted as aforesaid; and all and every the Powers, Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters, and Things contained in the said Acts or any of them, and in force as aforesaid, shall (so far as the same shall be consistent with and shall not be superseded by the express Provisions of this Act) severally and respectively be duly observed, practised, applied, and put in execution in relation to the said Duties hereby continued and granted, as well during the Term herein limited as after the Expiration thereof respectively, for assessing, levying, recovering, paying, deducting, and accounting for the said Duties and all Arrears thereof, and for reassessing the same in default of Payment, and for granting any Abatement or Relief from Over-payment thereof, and also the suing for, adjudging, and recovering any Penalty which shall have been or may be incurred in relation to the said Duties, as fully and effectually to all Intents and Purposes as if the same Powers, Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters, and Things were particularly repeated and re-enacted in the Body of this Act with reference to the said Duties hereby continued and granted as aforesaid.

5 & 6 Vict.  
c. 35. s. 87.

III. 'And whereas under and by virtue of the said several recited Acts, the Assessments made for the First Year of the respective Terms of Three Years in the said Acts mentioned of the Duties chargeable under the respective Schedules (A.) and (B.) of the said first-recited Act, were continued in force for the Space of Three Years, under and subject to certain Rules, Regulations, and Conditions in that Behalf specified in the said Acts:'

Assessments under Schedules (A.) and (B.) for the Year ending 5th April 1852

The Assessments of the same Duties made for the Year expiring on the Fifth Day of *April* One thousand eight hundred and fifty-two shall in like Manner be and remain in force as, and be deemed and taken to be, the Assessments for the Year commencing from and after the said last-mentioned Day, and shall be collected and

and levied accordingly; nevertheless under and subject to the same Rules, Regulations, and Conditions as are specified in the said Acts respectively with regard to the Assessments made under the same Schedules for the respective Terms of Three Years as before recited.

to be in force  
for the succeed-  
ing Year.

## C A P. XXI.

An Act to continue the Stamp Duties granted by an Act of the Fifth and Sixth Years of Her present Majesty, to assimilate the Stamp Duties in *Great Britain and Ireland*, and to make Regulations for collecting and managing the same. [17th June 1852.]

‘ Most Gracious Sovereign,

‘ **W**HEREAS by an Act passed in the Fifth and Sixth Years of Your Majesty’s Reign, intituled *An Act to assimilate the Stamp Duties in Great Britain and Ireland, and to make Regulations for collecting and managing the same, until the Tenth Day of October One thousand eight hundred and forty-five*, certain Rates and Duties denominated Stamp Duties were granted to Your Majesty for a Term therein limited and now expired; and by Three several Acts passed respectively in the Eighth, Eleventh, and Fourteenth Years of Your Majesty’s Reign, the same Rates and Duties were continued for Three several and successive Terms, the latter of which will expire on the Tenth Day of *October One thousand eight hundred and fifty-two*: We, Your Majesty’s most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain and Ireland* in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty’s public Expenses, have freely and voluntarily resolved to continue the said Rates and Duties, and to grant the same to Your Majesty for the Period herein-after mentioned; and do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That—

5 & 6 Vict. c. 82.

8 & 9 Vict. c. 2.

11 & 12 Vict. c. 9.

14 & 15 Vict. c. 18.

I. All the several Sums of Money and Duties and Composition for Duties granted by the said first-recited Act, and not repealed by any subsequent Act, and also all Duties now payable in lieu or instead of any of the said Duties which may have been so repealed shall be and the same are hereby continued, and shall be charged, raised, levied, collected, and paid unto and for the Use of Her Majesty, Her Heirs and Successors, for the Term of One Year, to commence on and to be computed from the Tenth Day of *October One thousand eight hundred and fifty-two*.

Duties continued for One Year.

II. The said first-recited Act, and all and every other Act and Acts now in force in relation to the Duties and Composition for Duties which are continued by this Act, shall severally be continued and remain in full Force in all respects in relation to the said Duties and Composition for Duties hereby continued and granted, and all and every the Powers and Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters, and Things, contained in the said Acts or any of them, and in

First-recited Act and other Acts continued in force.



force as aforesaid, shall severally and respectively be duly observed, practised, applied, and put in execution in relation to the said Duties and Composition for Duties hereby continued and granted, as well during the Term herein limited as after the Expiration thereof, for the charging, raising, levying, paying, accounting for, and securing of the said Duties and Composition for Duties, and all Arrears thereof, and for the preventing, detecting, and punishing of all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually to all Intents and Purposes as if the same Powers, Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters, and Things were particularly repeated and re-enacted in the Body of this Act with reference to the said Duties and Compositions for Duties hereby granted.

### C A P. XXII.

An Act to continue certain Acts for regulating Turnpike Roads in *Ireland*. [17th June 1852.]

4 & 5 Vict. c. 6. **W**HEREAS certain Acts for making, amending, and repairing the Turnpike Roads in *Ireland* were, by an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her present Majesty, amended and continued for a Time therein limited: And whereas the said Acts were further continued from Time to Time, save as specially excepted: And whereas, under the Provisions of an Act of the last Session of Parliament, the said Acts, save as therein excepted, are further continued, and will remain in force until the Thirty-first Day of *July* in the present Year, or, if Parliament be then sitting, until the End of the then Session of Parliament: And whereas it is expedient that the several Acts for making, amending, or repairing Turnpike Roads in *Ireland* should be further continued: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Acts for making, &c. Turnpike Roads in *Ireland*, which will expire on 31st *July* 1852, &c. further continued.

I. That any Act for making, amending, or repairing any Turnpike Road or Roads in *Ireland* which will expire on the said Thirty-first Day of *July* in the present Year, or at or before the End of the present or next ensuing Session of Parliament, or before the Thirty-first Day of *July* One thousand eight hundred and fifty-three, shall be and the same is hereby continued, as amended by the said recited Act of the Fourth and Fifth Years of Her Majesty's Reign, until the Thirty-first Day of *July* One thousand eight hundred and fifty-three, or, if Parliament be then sitting, until the End of the then Session of Parliament.

Acts 38 G. 3. c. 22. and 39 G. 3. c. 52. continued till 1st October 1853.

II. Provided always, That an Act of the Thirty-eighth Year of His late Majesty *George* the Third, intituled *An Act for improving and repairing the Turnpike Roads leading from the City of Cork to the Brook which bounds the Counties of Cork and Tipperary, near the Foot of Kilworth Mountain, and for repealing the several Laws heretofore made relating to the said Act*, and also an Act of the Thirty-ninth *George* the Third, to explain and amend

amend the said Act passed in the Thirty-eighth Year of the Reign of His said late Majesty, shall be continued until the First Day of *October* in the Year of our Lord One thousand eight hundred and fifty-three, and no longer, unless Parliament shall in the meantime further continue the said Acts.

III. Provided always, That nothing herein contained shall extend or apply to an Act of the Seventh Year of His late Majesty King *George* the Fourth, intituled *An Act for more effectually repairing the Road leading from the Bounds of the Counties of Limerick and Cork, between the Towns of Kilmallock and Charleville, to the City of Cork.*

Nothing in this Act to apply to 7 G. 4. c. xxvi.

### C A P. XXIII.

An Act to shorten the Time required for assembling Parliament after a Dissolution thereof. [17th June 1852.]

‘WHEREAS the Time required by Law to intervene between the Date of the Proclamation for assembling Parliament and the Day appointed for the Meeting thereof may be reasonably shortened:’ Be it declared and enacted, therefore, by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so often as Her Majesty shall, by Her Royal Proclamation, appoint a Time for the First Meeting of the Parliament of the United Kingdom of *Great Britain* and *Ireland* after a Dissolution thereof, the Time so to be appointed may be any Time not less than Thirty-five Days after the Date of such Proclamation, the Act of the Fifth Year of Queen *Anne*, Chapter Eight, or the Act of the Seventh and Eighth Years of *William* the Third, Chapter Twenty-five, or any other Law or Usage, to the contrary notwithstanding.

Parliament may be appointed to meet 35 Days after the Date of the Proclamation.

### C A P. XXIV.

An Act for the Amendment of an Act passed in the First Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for the Amendment of the Laws with respect to Wills.* [17th June 1852.]

‘WHEREAS the Laws with respect to the Execution of Wills require further Amendment:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same (as follows):

I. Where by an Act passed in the First Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for the Amendment of the Laws with respect to Wills*, it is enacted, that no Will shall be valid unless it shall be signed at the Foot or End thereof by the Testator, or by some other Person in his Presence, and by his Direction: Every Will shall, so far only as regards the Position of the Signature of the Testator, or of the Person signing for him as aforesaid, be deemed to be valid within the said Enactment, as explained by this Act, if the Signature shall be so placed at or

1 Vict. c. 26.

When Signature to a Will shall be deemed valid.

after, or following, or under, or beside, or opposite to the End of the Will, that it shall be apparent on the Face of the Will that the Testator intended to give Effect by such his Signature to the Writing signed as his Will, and that no such Will shall be affected by the Circumstance that the Signature shall not follow or be immediately after the Foot or End of the Will, or by the Circumstance that a blank Space shall intervene between the concluding Word of the Will and the Signature, or by the Circumstance that the Signature shall be placed among the Words of the Testimonium Clause or of the Clause of Attestation, or shall follow or be after or under the Clause of Attestation, either with or without a blank Space intervening, or shall follow or be after, or under, or beside the Names or One of the Names of the subscribing Witnesses, or by the Circumstance that the Signature shall be on a Side or Page or other Portion of the Paper or Papers containing the Will whereon no Clause or Paragraph or disposing Part of the Will shall be written above the Signature, or by the Circumstance that there shall appear to be sufficient Space on or at the Bottom of the preceding Side or Page or other Portion of the same Paper on which the Will is written to contain the Signature; and the Enumeration of the above Circumstances shall not restrict the Generality of the above Enactment; but no Signature under the said Act or this Act shall be operative to give Effect to any Disposition or Direction which is underneath or which follows it, nor shall it give Effect to any Disposition or Direction inserted after the Signature shall be made.

Act to extend  
to certain Wills  
already made.

II. The Provisions of this Act shall extend and be applied to every Will already made, where Administration or Probate has not already been granted or ordered by a Court of competent Jurisdiction in consequence of the defective Execution of such Will, or where the Property, not being within the Jurisdiction of the Ecclesiastical Courts, has not been possessed or enjoyed by some Person or Persons claiming to be entitled thereto in consequence of the defective Execution of such Will, or the Right thereto shall not have been decided to be in some other Person or Persons than the Persons claiming under the Will, by a Court of competent Jurisdiction, in consequence of the defective Execution of such Will.

Interpretation  
of "Will."

III. The Word "Will" shall in the Construction of this Act be interpreted in like Manner as the same is directed to be interpreted under the Provisions in this Behalf contained in the said Act of the First Year of the Reign of Her Majesty Queen *Victoria*.

Short Title.

IV. This Act may be cited as "The Wills Act Amendment Act, 1852."

## C A P. XXV.

An Act to amend an Act for registering Births, Deaths, and Marriages in *England*.  
[17th June 1852.]

' **W**HEREAS by an Act passed in the Sixth and Seventh  
' Years of His late Majesty King *William* the Fourth,  
' intituled *An Act for registering Births, Deaths, and Marriages*  
' in *England*, His Majesty was empowered to provide a proper  
' Office in *London* or *Westminster*, to be called "the General  
' Register

‘ Register Office,” for keeping a Register of all Births, Deaths, and Marriages of His Majesty’s Subjects in *England*: And whereas under the Authority of the said Act an Office, called “ the General Register Office,” was provided in *Somerset Place* in the *Strand*; and it has become necessary for the Public Service that such Office should be removed from *Somerset Place*, and that another Office should be provided in lieu thereof; but Doubts have arisen whether such Office ought not by the said recited Act to be provided in the City of *London* or in the City or Liberty of *Westminster*, and not elsewhere; to remove which Doubts, may it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty, Her Heirs or Successors, from Time to Time to provide a proper Office, to be called “ The General Register Office,” in such Place or Places as may appear to the Commissioners of Her Majesty’s Treasury for the Time being to be fit and convenient for the Purpose, anything in the said recited Act or in any other Act of Parliament, or otherwise, to the contrary notwithstanding.

For providing  
a General Re-  
gister Office.

### C A P. XXVI.

An Act to enable Her Majesty to carry into effect Arrangements made with Foreign Powers for the Apprehension of Seamen who desert from their Ships. [17th June 1852.]

‘ WHEREAS Arrangements have been made with certain Foreign Powers for the Recovery of Seamen deserting from the Ships of such Powers when in *British Ports*, and for the Recovery of Seamen deserting from *British Ships* when in the Ports of such Powers: And whereas it is expedient to enable Her Majesty to carry such Arrangements into effect, and likewise to enable Her Majesty to carry into effect any similar Arrangements of a like Nature which may be made hereafter: Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. Whenever it is made to appear to Her Majesty that due Facilities are or will be given for recovering and apprehending Seamen who desert from *British Merchant Ships* in the Territories of any Foreign Power, Her Majesty may, by Order in Council stating that such Facilities are or will be given, declare that Seamen not being Slaves, who desert from Merchant Ships belonging to a Subject of such Power, when within Her Majesty’s Dominions or the Territories of the *East India Company*, shall be liable to be apprehended and carried on board their respective Ships, and may limit the Operation of such Order, and may render the Operation thereof subject to such Conditions and Qualifications, if any, as may be deemed expedient.

Her Majesty  
may by Order  
in Council  
declare that  
Deserters from  
Foreign Ships  
may be appre-  
hended and  
given up.

II. Upon such Publication as herein-after mentioned of any such Order in Council, then, during such Time as the same remains

Upon Publica-  
tion of Order  
in Council Jus-  
tains

tices shall aid in recovering Deserters from the Ships of Foreign Powers, and may apprehend them, and send them on board.

Penalty on Persons harbouring such Deserters.

Orders published in London Gazette.

Orders may be revoked, &c.

Short Title.

mains in force, and subject to such Limitations and Qualifications, if any, as may be therein contained, every Justice of the Peace or other Officer having Jurisdiction in the Case of Seamen who desert from *British Merchant Ships* in Her Majesty's Dominions or in the Territories of the *East India Company* shall, on Application being made by a Consul of the Foreign Power to which such Order in Council relates, or his Deputy or Representative, aid in apprehending any Seaman or Apprentice who deserts from any Merchant Ship belonging to a Subject of such Power, and may for that Purpose, upon Complaint on Oath duly made, issue his Warrant for the Apprehension of any such Deserter, and, upon due Proof of the Desertion, order him to be conveyed on board the Vessel to which he belongs, or to be delivered to the Master or Mate of such Vessel, or to the Owner of such Vessel or his Agent, to be so conveyed; and thereupon it shall be lawful for the Person ordered to convey such Deserter, or for the Master or Mate of such Vessel, or the Owner or his Agent, (as the Case may require,) to convey him on board accordingly.

III. If any Person protects or harbours any Deserter who is liable to be apprehended under this Act, knowing or having Reason to believe that he has deserted, such Person shall for every Offence be liable to a Penalty not exceeding Ten Pounds, and every such Penalty shall be recovered, paid, and applied in the same Manner as Penalties for harbouring or protecting Deserters from *British Merchant Ships*.

IV. Every Order in Council to be made under the Authority of this Act shall be published in the *London Gazette* as soon as may be after the making thereof.

V. Her Majesty may by Order in Council from Time to Time revoke or alter any Order in Council previously made under the Authority of this Act.

VI. This Act may be cited as the "Foreign Deserters Act, 1852."

## C A P. XXVII.

An Act to amend the Law of Evidence in *Scotland*.

[17th June 1852.]

' **WHEREAS** it is expedient to alter and amend the Law of Evidence in *Scotland* : Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; *viz* :

Witnesses not to be excluded by reason of Crime, &c.

I. No Person adduced as a Witness in *Scotland* before any Court or before any Person having by Law or by Consent of Parties Authority to take Evidence, shall be excluded from giving Evidence, by reason of having been convicted of or having suffered Punishment for Crime, or by reason of Interest, or by reason of Agency or of partial Counsel, or by reason of having appeared without Citation, or by reason of having been recognised subsequently to the Date of Citation; but every Person so adduced, who is not otherwise by Law disqualified from giving Evidence, shall be admissible as a Witness, and shall be admitted

to

to give Evidence as aforesaid, notwithstanding of any Objections offered on the above-mentioned Grounds: Provided always, that nothing herein contained shall affect the Right of any Party in the Action or Proceeding in which such Witness shall be adduced to examine him on any Point tending to affect his Credibility: Provided also, that it shall not be competent to adduce as a Witness in any Action or Proceeding any Person who shall at the Time when he is so adduced as a Witness be acting as Agent in the Action or Proceeding in which he is so adduced, excepting in so far as the same may be competent by the existing Law and Practice of *Scotland*; and where any Person who is or has been an Agent shall be adduced and examined as a Witness for his Client, touching any Matter or Thing, to prove which he could not competently have been adduced and examined according to the existing Law and Practice of *Scotland*, it shall not be competent to the Party adducing such Witness to object, on the Ground of Confidentiality, to any Question proposed to be put to such Witness on Matter pertinent to the Issue.

Right to examine Witnesses as to Credibility not affected.

Not competent to adduce as a Witness any Person who shall be Agent in the Action.

Where any Person adduced has been an Agent no Plea of Confidentiality allowable.

II. It shall be competent to adduce and to examine as a Witness as aforesaid in any Action or Proceeding any Party to such Action or Proceeding, even although individually named in the Record or Proceeding, unless it shall be shown to the Satisfaction of the Court, or of the Person having Authority to take Evidence as aforesaid, that such Party has a substantial Interest in such Action or Proceeding, and is not merely nominally a Party thereto.

Party to an Action may be adduced as a Witness, unless interested.

III. It shall be competent to examine any Witness who may be adduced in any Action or Proceeding as to whether he has on any specified Occasion made a Statement on any Matter pertinent to the Issue different from the Evidence given by him in such Action or Proceeding; and it shall be competent in the course of such Action or Proceeding to adduce Evidence to prove that such Witness has made such different Statement on the Occasion specified.

Witness may be examined as to having made a different Statement.

IV. It shall be competent to the presiding Judge or other Person before whom any Trial or Proof shall proceed, on the Motion of either Party, to permit any Witness who shall have been examined in the course of such Trial or Proof to be recalled.

Witness may be recalled, after Examination.

V. All Statutes, Laws, and Practice now in force respecting Evidence in *Scotland* shall be and the same are hereby repealed, in so far as inconsistent or at variance with the Provisions of this Act, but the same shall in all other respects remain in full Force.

Laws and Practice inconsistent with this Act repealed.

## C A P. XXVIII.

An Act to amend an Act of the Fourteenth and Fifteenth Years of Her present Majesty, for the Direction of Public Works and Buildings; and to vest the Buildings appropriated for the Accommodation of the Supreme Courts of Justice in *Edinburgh* in the Commissioners of Her Majesty's Works and Public Buildings. [17th June 1852.]

**B**E it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal,

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Commissioners  
of Works and  
Public Build-  
ings incor-  
porated for the  
Purpose of  
holding Lands,  
&c. under this  
Act.

I. The Persons who for the Time being, under the Provisions of the Act passed in the last Session of Parliament, Chapter Forty-two, shall be the Commissioners of Her Majesty's Works and Public Buildings shall be and they are hereby constituted a Corporation, by the Name and Style of "The Commissioners of Her Majesty's Works and Public Buildings," and by that Name shall and may have perpetual Succession, and use a Common Seal, to be by them from Time to Time altered as they shall think fit, for the Purpose of taking and holding all the Lands, Tenements, and Hereditaments whatsoever, of every Tenure, by this Act vested in them, or hereafter to be vested in or purchased by them under or by virtue of the Provisions of this Act, and of conveying, assigning, leasing, underleasing, or otherwise disposing of the same Lands, Tenements, and Hereditaments, and of entering into any Covenants or Agreements respecting any such Hereditaments vested or to be purchased, taken, or disposed of as aforesaid, but not for any other Purpose.

Commissioners  
empowered to  
purchase, sell,  
&c. Lands, &c.,  
and the First  
Commissioner  
or Two of them  
may act.

II. It shall be lawful for the Commissioners of Her Majesty's Works and Public Buildings to purchase, take, or accept any Hereditaments, of what Tenure soever, necessary for the Public Service, and to sell or exchange the same, and give a good Discharge for the Purchase Money thereof to any Purchaser or other Person, and to grant any Lease or Leases, Underlease or Underleases of any such Hereditaments so taken as aforesaid, and to enter into any Agreements for such Sale, Exchange, Lease, or Underlease, so nevertheless that all such Hereditaments shall be purchased, taken, exchanged, sold, or leased, and the Produce and Income thereof applied, by the Direction of the Commissioners of Her Majesty's Treasury, and so as every Conveyance of any Freehold Hereditaments in *England, Wales, or Ireland*, made to or by the said Commissioners of Her Majesty's Works and Public Buildings under the Authority of this Act, be enrolled amongst the Records of the Court of Exchequer in *England or Ireland*, as the Case may be; and all Acts by this Act authorized to be done by the Commissioners of Her Majesty's Works and Public Buildings, and all and every the Powers and Authorities whatsoever by the Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Forty-three, and vested in or transferred to the Commissioners thereby appointed, may be executed and done by the First Commissioner for the Time being of Her Majesty's Works and Public Buildings, or by any Two of the said Commissioners.

As to Security  
required from  
Officers.

III. In all Cases in which the Commissioners of Her Majesty's Works and Public Buildings are or shall be required or authorized to take Security from any Receiver, Collector, Clerk, or other Officer or Contractor, or shall think it proper so to do, for securing the due Performance of any Duty or Contract, such Security shall be taken by Bond to the Queen's most Excellent Majesty, Her Heirs and Successors; and the said Commissioners may in any Case, if they think fit, dispense with the taking any Sureties, so as that they take in lieu thereof (if they think fit) for the due Performance

Performance of any Duty or Contract any Security by way of Deposit, Investment, Mortgage, Lien or Charge, Insurance or Guarantee.

IV. All the Courts, Court Houses, and Buildings for the Accommodation of the Courts of Session, Justiciary, Exchequer, Jury Court, or other the Supreme Courts at *Edinburgh*, and of the Clerks and Officers thereof, and all the Lands and Buildings connected therewith, and all Lands whereon the same are built, and all Lands or Heritages held therewith, or purchased or acquired under or by virtue of the Acts passed in the Forty-sixth Year of the Reign of His late Majesty *George* the Third, Chapter One hundred and fifty-four, the Forty-eighth Year of the Reign of His said Majesty, Chapter One hundred and forty-six, the Fifty-ninth Year of the Reign of His said Majesty, Chapter Thirty-five, and the Sixth Year of the Reign of His late Majesty *George* the Fourth, Chapter Eighty-six, or any of them, shall from the passing of this Act be vested in the Commissioners of Her Majesty's Works and Public Buildings, and their Successors for ever, in their corporate Capacity, for the Purposes specified in the aforesaid Acts respectively, and shall be maintained and kept in repair by the said Commissioners by and out of all Funds (if any) now applicable for that Purpose, and which Funds shall be vested in or payable to the said Commissioners, or by and out of such Funds as shall be directed by Parliament to be applied to such Purposes.

Courts and Buildings of the Courts of Session, Justiciary, &c. at *Edinburgh* vested in the Commissioners of Public Works.

V. That as regards such of the said Lands, Buildings, or other Heritages so hereby vested in the said Commissioners as may not have been or shall not be required for the Purposes for which they were acquired, the said Commissioners may from Time to Time grant, sell, exchange, or convey the same, and lease or agree to lease the same till sold, exchanged, or conveyed; and the Monies arising from any such Sale or Lease shall be paid to the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, but the Receipts of the said Commissioners shall be sufficient Discharges to any Purchaser or Lessee paying any Monies to them; and the said Commissioners may complete or carry into effect any Contract for Sale, Grant, Exchange, or Lease of any Part of the said Lands, Buildings, and Heritages herein-before entered into by any Trustees of the same, or by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Person or Persons on their Behalf.

Commissioners may sell, exchange, &c. Lands and Buildings not required for their original Purpose.

VI. Provided nevertheless, That no such Sale, Grant, Exchange, or Lease shall be made except with the Consent of the Commissioners of Her Majesty's Treasury.

No Sale, &c. without Consent of Treasury.

VII. That, notwithstanding the Provisions of the Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, it shall not be necessary, after the passing of this Act, to register or record in the Books kept in the Office of Chancery in *Scotland* any of the Documents by the Seventh Section of the said Act directed to be registered or recorded, but a Minute or Memorandum of every such Conveyance, Deed, or other Document, describing the same, shall be entered in the Minute Book of the Office.

Registry of Documents in Chancery in *Scotland* not necessary;

but Entry of Memorandum of Deed in



Chancery to be  
sufficient.

Office of Chancery in *Scotland*, and the same shall be taken to be a sufficient Compliance with the Provisions of the said Seventh Section of the last-mentioned Act; and further, that the said Provisions of the said last-mentioned Act, as altered by this Act, relating to the Transmission of Documents to the Office of Chancery in *Scotland*, and other the Provisions of the said Act, as altered by this Act, shall apply to any Conveyance, Deed, or other Document executed by the Commissioners of Her Majesty's Works and Public Buildings in pursuance of the Powers of this Act.

### C A P. XXIX.

An Act to empower the Commissioners of Her Majesty's Works and Public Buildings to inclose and lay out *Kennington Common* in the County of *Surrey* as Pleasure Grounds for the Recreation of the Public.

[17th June 1852.]

‘ WHEREAS His Royal Highness *Albert Edward Prince of Wales*, Duke of *Saxony*, Duke of *Cornwall* and *Rothsay*, Earl of *Chester*, *Carrick*, and *Dublin*, Baron of *Renfrew*, Lord of the Isles, and Great Steward of *Scotland*, is seised, in right of His Duchy of *Cornwall*, of the Lordship of the Manor of *Kennington* in the Parish of *Lambeth* in the County of *Surrey*, of which Two Pieces or Parcels of Land situate in the said Parish, and usually called or known by the Name of *Kennington Common*, together with a small Piece of Land near thereto, usually called or known as the Pound of the Manor of *Kennington*, and a small Piece of vacant Land adjoining such Pound in the said Parish, are Parcel: And whereas the said Pieces or Parcels of Land are now open and uninclosed, and it has been represented to Her Majesty, by the Council of His said Royal Highness, that it would tend greatly to the Comfort and Benefit of the Inhabitants of the District in the Neighbourhood of the said Common if the same were inclosed and laid out as Pleasure Grounds for the Recreation and Enjoyment of the Inhabitants of the said District, and others resorting thereto, subject to such Regulations as may be necessary for preventing Nuisances and improper Practices therein, and for that Purpose that the Commissioners of Her Majesty's Works and Public Buildings should be incorporated as herein-after mentioned, and should have and be invested with such Powers of purchasing Lands, stopping up and diverting Roads, and of improving the Lands to be inclosed as are herein-after contained or referred to: And wherens the said Commissioners of Her Majesty's Works and Public Buildings caused a Map or Plan of the said intended Improvements to be made, and which Map or Plan has been signed by the Chairman of the Select Committee of the House of Commons, to whom this Act was referred: May it therefore please Your Majesty, His said Royal Highness the Duke of *Cornwall* assenting thereto, that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and

and Commons, in this present Parliament assembled, and by the Authority of the same,

I. That it shall be lawful for the Commissioners of Her Majesty's Works and Public Buildings for the Time being, and they are hereby authorized and empowered, with the Consent of the Lord High Treasurer, or of the Commissioners of the Treasury for the Time being, to inclose the said Common and Pieces of Land, and lay out the same as public Pleasure Grounds, and to carry the Purposes of this Act into execution in manner herein-after mentioned, and according to such Map or Plan as aforesaid.

Commissioners of Works empowered to inclose the Lands for public Pleasure Grounds.

II. That for the Purposes of this Act, and of all Matters and Things hereby authorized to be done under the Authority of this Act, the said Commissioners of Her Majesty's Works and Public Buildings for the Time being (and herein-after called the Commissioners) shall be and they are hereby constituted a Corporation by the Name and Style of "The Commissioners of Her Majesty's Works and Public Buildings," and by that Name for the Purposes aforesaid shall and may have perpetual Succession, and use a Common Seal, to be by them from Time to Time altered as they shall think fit, and shall and may sue and be sued, implead and be impleaded, and take and hold Lands and Hereditaments to them and their Successors for ever, for the Purposes of this Act.

Commissioners incorporated for the Purposes of the Act.

III. That the said Map or Plan, after the same shall have been authenticated in Duplicate by the Signature of the Right Honourable the Speaker of the House of Commons, shall be deposited in the Office of the Commissioners, and in the Office of the Duchy of Cornwall, and the Map or Plan so deposited shall remain at the said Offices, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, at their Will and Pleasure, paying the Sum of One Shilling for every such Inspection.

Map to be authenticated, and deposited in the Office of Works.

IV. That from and immediately after the passing of this Act the said Common and Pieces or Parcels of Land shall become and be absolutely vested in the Commissioners, their Successors and Assigns, freed and discharged from all Rights of Common and all other Rights whatsoever, for the Purposes of this Act, and during such Time only as this Act shall continue in force.

Kennington Common and Lands vested in the Commissioners.

V. That for the Purpose of making, forming, and completing the said Inclosure, as shown on the said Plan, and for effecting the Purchase of the Toll House after mentioned, the Commissioners and their Successors shall have such and the same or the like Powers, Authorities, and Privileges of purchasing and taking Lands, and as regards Exemption from Stamp Duties, as in and by an Act passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to empower the Commissioners of Her Majesty's Woods to form a Royal Park in Battersea Fields in the County of Surrey*, are given to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for the Purpose of or with reference to the Formation of the Park therein specified, and in all respects as if the same were herein repeated and made applicable to the Commissioners hereby incorporated; and also that all Powers authorizing incapacitated Persons to contract and convey in the said Act contained shall extend to the Toll

Commissioners in completing Inclosure and purchasing Toll House, to have like Powers as given to Commissioners of Woods by 9 & 10 Vict. c.39.

House

House with its Appurtenances to be taken under this Act, and to the Persons or Bodies entitled thereto or interested therein.

Commissioners to lay out, plant, drain, and improve the Inclosure for the Recreation of the Public, and may accept Subscriptions for that Purpose.

VI. That it shall be lawful for the Commissioners to lay out and plant the said intended Inclosure, and to drain and otherwise improve the same, and from Time to Time to keep the same and the Fences thereof in good and sufficient Repair, and to erect and build any Lodge or Lodges or other ornamental Buildings thereon, and to keep the same in good and sufficient Repair, and to employ Gate or Lodge Keepers, and all other necessary Persons for the Order and Management of the said Inclosure, and to make and form convenient Approaches to the same Inclosure, in such Manner in all respects as they may deem suitable and proper, and shall allow the same, when so inclosed, laid out, and improved as aforesaid, to be used and enjoyed as Pleasure Grounds for the Recreation and Enjoyment of the Public, under such Orders and Regulations for preventing Nuisances and improper Practices, and for opening and closing the Gates of the said Inclosure, or any of them, at such Hours, or otherwise, as the Commissioners may from Time to Time prescribe, and for appointing Keepers and other Officers to preserve Order therein, and for the general Management thereof in all respects, as the Commissioners shall from Time to Time deem expedient; and for effecting any of the Objects of this Act it shall be lawful for the Commissioners to accept private Subscriptions from Persons willing to contribute towards making the aforesaid Inclosure and otherwise carrying into execution the Powers of this Act.

Commissioners empowered to stop up a Portion of the Brixton Road, and to alter the Camberwell New Road.

VII. That it shall be lawful for the Commissioners to stop up a Portion of the public Highway or Road intersecting the South-western End of *Kennington Common* aforesaid known as the *Brixton Road*, as the same is described in the said Map or Plan as being proposed to be stopped up and diverted, and to divert the same as in the said Map or Plan, and also to alter, widen, and improve the public Highway or Road called the *Camberwell New Road* at or near its Junction with the *Clapham Road* in the said Parish of *Saint Mary Lambeth* within the Limits marked out in the said Map or Plan, in such Manner as the Commissioners shall think fit, and to inclose such Parts of the said Lands not wanted for the said Roads in all respects as is shown by the said Plan, but so that such Diversion and Inclosure shall not be made until the new or substituted Road shall be made and fit for Use, and opened to the Public.

Commissioners may purchase and pull down the Toll House and Gate, and erect another.

VIII. That it shall be lawful for the Commissioners to purchase, pull down, and remove the Toll House and Toll Gate, and the Site thereof, situate in the *Clapham Road* aforesaid, adjoining the said Common; and in case the same shall be so purchased the same shall not be pulled down until the Commissioners shall have erected and built a new Toll House and Gate at or near the Junction of the said intended Diversion of the *Brixton Road* with the *Clapham Road* aforesaid.

Power to stop up certain Roads, &c. now crossing the Site of the intended Inclosure.

IX. That it shall be lawful for the Commissioners to stop up, divert, widen, or alter all or any of the Roads, Ways, Paths, or Passages, Sewers, Pipes, Drains, or Watercourses which now lead into, upon, through, across, or over any Part or Parts of the Site or intended Site of the said intended Inclosure, and to set out and

and make such other Roads, Ways, Paths, or Passages, Sewers, Drains, or Watercourses, as to the Commissioners may seem fit and necessary; and that as well the Ground and Soil of such Portion of the said *Brixton Road* as the Commissioners are hereinbefore empowered to stop up and divert as aforesaid, as the Ground and Soil of such Roads, Ways, Paths, or Passages, Drains or Watercourses, as, under the Authority of this Act, shall be stopped up, and the Fee Simple and Inheritance thereof respectively, shall be and the same are hereby vested in the Commissioners and their Successors for the Purposes of this Act, freed and discharged from all Estates, Rights, and Interests whatsoever.

X. Provided always, That the Commissioners shall not stop up or interfere with the said Portion of the public Road or Highway intersecting the End of *Kennington Common* aforesaid before they shall have caused the said intended Diversion of the same Road to be made and completed.

Road not to be stopped up until Diversion has been completed.

XL Provided always, That if the said Inclosure shall at any Time hereafter cease to be maintained as Pleasure Grounds for the Recreation and Enjoyment of the Public, the same shall thereupon revert to His said Royal Highness, His Heirs and Successors, as Parcel of the Possessions of the Duchy of *Cornwall*, and be subject to the same Limitations, Powers, and Authorities, in every respect, as the other Lands and Possessions of the said Duchy, and in the same Manner as if this Act had not been passed; without Prejudice to any Roads or Ways made, stopped up, or diverted under the Powers of this Act.

If Inclosure is not maintained as Pleasure Ground for the Public, it is to revert to Duke of Cornwall.

### C A P. XXX.

An Act to empower the Commissioners of Her Majesty's Customs to acquire certain Lands and Houses in the Borough of *Belfast*, for the Purpose of erecting a Custom House and other Offices and Buildings required for the Public Service in the said Borough. [17th June 1852.]

‘WHEREAS, in consequence of the Increase of the Trade and Population of the Borough of *Belfast*, it has become necessary to erect a new Custom House and other Offices and Buildings for the Public Service in the said Borough: And whereas the Commissioners of Her Majesty's Customs require to take certain Lands and Houses in the said Borough for the Site of the said Custom House and other Offices and Buildings; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

I. That the several Provisions of the “Lands Clauses Consolidation Act, 1845,” shall, so far as the same may be applicable to and are not inconsistent with or modified by the Provisions of this Act, be incorporated with and form Part of this Act, and shall be applicable to the Purposes thereof.

Provisions of 8 & 9 Vict. c. 18. extended to this Act.

15 & 16 VICT.

E

II. That

**Short Title.**

II. That in citing this Act in other Acts of Parliament, and in any legal Instruments or other Documents, it shall be sufficient to use the Expression "*The Belfast Custom House Act, 1852.*"

**Power to purchase Lands, &c. delineated on deposited Plans.**

III. That it shall be lawful for Her Majesty's Commissioners of Customs on behalf of Her Majesty, and they are hereby authorized and empowered, by and out of any Monies which have been or may hereafter be granted by Parliament for a new Custom House and other Offices and Buildings for the Public Service in the Borough of *Belfast*, and subject to the Provisions herein and in the said "*Lands Clauses Consolidation Act, 1845,*" contained, to purchase, take, and enter upon the Lands and Houses delineated on the Plan deposited with the Clerk of the Peace for the County of *Antrim*, showing the Property intended to be taken, and mentioned in the Schedule to this Act annexed, and all Estates and Interests therein, of what Kind soever, for the Purposes of this Act.

**Errors and Omissions in Schedule may be corrected by Two Justices, who may certify the same.**

IV. That if any Omission, Mis-statement, or wrong Description shall have been made of any Lands and Houses, or of the Owners, Lessees, or Occupiers of any Lands and Houses, mentioned in the Schedule to this Act annexed, the Commissioners, after giving Ten Days Notice to the Owners, Lessees, and Occupiers of the Lands and Houses affected by such proposed Correction, may apply to Two Justices for the Correction thereof, and if it shall appear to such Justices that such Omission, Mis-statement, or wrong Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, Mis-statement, or wrong Description; and such Certificate shall be deposited with the said Clerk of the Peace, and such Certificate shall be kept by such Clerk of the Peace with the other Documents to which it relates, and thereupon such Schedule shall be deemed to be corrected according to such Certificate, and the said Commissioners may take any Lands or Houses in accordance with such Certificate, as if such Omission, Mis-statement, or wrong Description had not been made.

**Certificate to be deposited.**

**Powers for compulsory Purchase of Lands limited.**

V. That the Powers of the Commissioners for the compulsory Purchase or taking of Lands and Houses for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

**Powers given to Commissioners to apply to Purchases made.**

VI. That the Powers and Authorities by this Act given to the said Commissioners for the Purchase or taking of the Lands and Houses mentioned and comprised in the Schedule to this Act annexed shall be applied as well to any Lands or Houses already purchased or taken, or agreed to be purchased or taken, as to such as shall hereafter be purchased or taken under the Provisions of this Act.

**Lands, &c. purchased by the Commissioners to vest in the Secretary for the Time being.**

VII. That the Lands and Houses which shall be purchased or taken by the said Commissioners under the Provisions of this Act shall be vested and remain in the Secretary for the Time being to the Commissioners, and his Successors in the Service of Her Majesty's Customs, according to the respective Nature and Quality of the said Lands and Houses, and the several Estates and Interests of and in the same, respectively in trust for Her Majesty, Her Heirs and Successors.

VIII. That

VIII. Chapter One hundred and under the Act.

testified by Wm. Commissioners, if they Hands and Seal on Lease any of the Lands or in any Manner Act, or any Interest therein, Houses purchased, subject to such Conditions of this Act, with the Commissioners may think proper.

in the Opinion of the Belfast Harbour Act, 1847," it Purposes thereof, Commissioners should and it shall be lawful old Dock, then known by the grant or demise the said Borough within Two shall be willing to and that the Site of the said into execution any greater left open and free from all any such Lands or the said Dock has been filled up as as the said Commissioners the Site thereof now forms Part direct, and for the Purpose "Albert Square," a Portion of ances, Assurances, the Purposes of this Act: Be it also to do any of the said "Belfast Harbour Lands or Houses the Site of the Limekiln Docks shall deemed beneficial to open and free from all Obstruction for the better the Portion of Albert Square mentioned by any other Person, and defined upon the Plan deposited Houses.

IX. That the and the same is hereby repealed.

Exchange of any Words and Expressions used in this changed or changed Meanings hereby assigned to them, paid by the Person in the Subject or Context repugnant change, to the that is to say,

such Person as Commissioners" shall mean the Commissioners of to receive the Customs for the Time being, or any Two or Successors, for the Receipt of the

the said Secretary" shall mean the Secretary for the Time said for such Commissioners of Her Majesty's Customs :

the Purchase Receiver General" shall mean the Receiver shall be so for Her Majesty's Customs for the Time being :

X. That the Word "Lands" and the Word "Houses" shall extend Purchase, Lands, Streets, Squares, Lanes, Tenements, and Appurtenances of any Tenure :

be deemed "Mayor, Aldermen, and Burgesses" shall mean which Mayor, Aldermen, and Burgesses of the Borough of

and "Council" shall mean the Council of the Borough of Belfast.

Commissioners may take Lands on Lease.

Power to Commissioners to take Portion of Albert Square, and apply it to the Purposes of this Act.

Interpretation of certain Terms.

‘ whereas by the Local and Personal Act, Eighth and Ninth  
‘ *Victoria*, Chapter One hundred and forty-two, the said Mayor,  
‘ Aldermen, and Burgesses, acting by the Council of the said  
‘ Borough, are authorized to agree with the Owner of any Houses  
‘ or Grounds within the said Borough for the Purchase thereof,  
‘ for the Purpose of widening, enlarging, and rendering more  
‘ commodious the Streets of the said Borough, and for the other  
‘ Purposes of the said Act: And whereas it is expedient to enable  
‘ the Commissioners to effect Exchanges and Sales with the said  
‘ Council in respect of such Portions of the Lands as are now  
‘ vested or shall hereafter be vested in the Commissioners and  
‘ the said Council respectively:’ Be it therefore enacted, That it  
shall be lawful for the Secretary of the Commissioners, by and  
under the Authority and Direction of the Commissioners, testified  
by Writing under their Hands and Seals, or under the Hands and  
Seals of any Two or more of them, to exchange, sell, or in any  
Manner dispose of, or to let or demise, with or to the said Mayor,  
Aldermen, and Burgesses or the said Council, any Lands to be  
acquired by the Commissioners under the Authority of this Act  
which shall not in the Opinion of the Commissioners be required  
for the Purposes thereof; and it shall be lawful for the said  
Mayor, Aldermen, and Burgesses, acting by the Council of the  
said Borough, to exchange, sell, or in any Manner dispose of, or  
to let or demise, with or to the Commissioners any Lands vested  
in the said Mayor, Aldermen, and Burgesses, under the Authority  
of the said Act of the Eighth and Ninth *Victoria*, Chapter  
One hundred and forty-two, which may be required for the Pur-  
poses of this Act, and that all and every the Provisions herein-  
before contained with respect to Exchanges or Sales made under  
the Authority of the Commissioners, and the Application of the  
Purchase Money to be paid on such Exchanges or Sales, and to  
the Conveyances to be executed thereunder, and to the vesting  
of the Lands and Houses so exchanged or sold in the Purchaser  
thereof, shall extend or apply to such Exchanges or Sales made  
under the Authority of the Commissioners with or to the said  
Mayor, Aldermen, and Burgesses or the said Council, and that all  
and every the Powers and Provisions with respect to the Sale,  
Leasing, Demise, or Grant of Lands purchased or acquired by  
the said Mayor, Aldermen, and Burgesses under the Provisions  
of the Local and Personal Act of the Eighth and Ninth *Victoria*,  
Chapter One hundred and forty-two, which are contained in the  
said Act and in the Local and Personal Acts of the Tenth and  
Eleventh *Victoria*, Chapter Two hundred and fifty-four, and the  
Thirteenth and Fourteenth *Victoria*, Chapter One hundred and  
eight, amending the same, shall extend and apply to all Lands  
which shall become vested in the said Mayor, Aldermen, and  
Burgesses or the said Council by virtue of any such Exchange  
or Sale made with or to them by or under the Authority of the  
Commissioners under the Provisions of this Act, as fully and  
effectually as if such Lands so exchanged or sold with or to the  
said Mayor, Aldermen, and Burgesses or the said Council formed  
Part of the Lands acquired by the said Mayor, Aldermen, and  
Burgesses or the said Council under the Authority of the said

Act of the Eighth and Ninth *Victoria*, Chapter One hundred and forty-two.

XII. That it shall be lawful for the Commissioners, if they shall deem it expedient, to take upon Lease any of the Lands required for the Purposes of this Act, or any Interest therein, for such Term, at such Rent, and subject to such Conditions and Covenants, as the said Commissioners may think proper.

Commissioners  
may take Lands  
on Lease.

XIII. 'And whereas by the "*Belfast Harbour Act, 1847*," it is provided that the *Belfast Harbour Commissioners* should amongst other things fill up the old Dock, then known by the Name of "*Limekiln Dock*," in the said Borough within Two Years from the passing thereof, and that the Site of the said Dock should be for ever thereafter left open and free from all Obstruction: And whereas the said Dock has been filled up as required by the said Act, and the Site thereof now forms Part of the Street or Square called "*Albert Square*," a Portion of which will be required for the Purposes of this Act: Be it therefore enacted, That so much of the said "*Belfast Harbour Act, 1847*," as provides that the Site of the *Limekiln Docks* shall be for ever thereafter left open and free from all Obstruction shall, so far as relates to the Portion of *Albert Square* mentioned in the Schedule to this Act, and defined upon the Plan deposited as aforesaid showing the Property required to be taken for the Purposes of this Act, be and the same is hereby repealed.

Power to Com-  
missioners to  
take Portion of  
*Albert Square*,  
and apply it to  
the Purposes of  
this Act.

XIV. That the following Words and Expressions used in this Act shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

Interpretation  
of certain  
Terms.

The Word "*Commissioners*" shall mean the Commissioners of Her Majesty's Customs for the Time being, or any Two or more of them:

The Word "*Secretary*" shall mean the Secretary for the Time being to the Commissioners of Her Majesty's Customs:

The Words "*Receiver General*" shall mean the Receiver General of Her Majesty's Customs for the Time being:

The Word "*Lands*" and the Word "*Houses*" shall extend to Messuages, Lands, Streets, Squares, Lanes, Tenements, and Hereditaments of any Tenure:

The Words "*Mayor, Aldermen, and Burgesses*" shall mean the Mayor, Aldermen, and Burgesses of the Borough of *Belfast*:

The Word "*Council*" shall mean the Council of the Borough of *Belfast*.



## The SCHEDULE to which the foregoing Act refers.

*Borough of Belfast.*

Name of Street or Place.	Description of Property.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
Queen's Square	Offices - -	The Marquess of Donegall and his Trustees John Hopton Russell Chichester and Thomas Verner, the Earl of Belfast, Thomas Greg, and his Trustee Thomas Batt.	Thomas Greg and his Trustee Thomas Batt, Andrew John Barnett.	Hugh S. Hind.
	Shop and Stores -	The same - -	The same, and Hugh S. Hind.	Peter Quin.
	Office - -	The same - -	Thomas Greg and his Trustee Thomas Batt, Eliza Scott, Executrix of Alexander Scott deceased, and James Scott.	William Porter.
	House, Office, Yard, Stables, Lofts, Gateway, Right of Passage, and Outbuildings.	The same - -	The same - -	James Scott.
	House, Offices, Yard, Stables, Gateway, Lofts, Outbuildings, and Right of Passage to Albert Square.	The same - -	The same - -	William Wilkinson.
	Offices - -	The same - -	Thomas Greg and his Trustee Thomas Batt, George Montgomery, Mary Foster, and William Newett.	William Newett.
	Gateway, Yard, Stores, Office, Lofts, Stables, and Outbuildings.	The same - -	The same - -	Robert Henry.
	Office, Passage over Yard of adjoining Yard, Outbuildings, and Stores, extending to Albert Square.	The same - -	Thomas Greg and his Trustee Thomas Batt, George Thomas Mitchell, John Cunningham, and James Hamilton, Trustees of Robert Simms deceased, and James Hamilton.	James Hamilton.

Name of Street or Place.	Description of Property.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
Queen's Square (continued).	House with Rooms and Cellar under Office of adjoining Yard, and Out-conveniences.	The Marquess of Donegall and his Trustees John Hopton Russell Chichester and Thomas Verner, the Earl of Belfast, Thomas Greg and his Trustee Thomas Batt.	Thomas Greg and his Trustee Thomas Batt, George Thomas Mitchell, John Cunningham, and James Hamilton, Trustees of Robert Simms deceased, and James Hamilton.	The Commissioners of Her Majesty's Customs and Charles William Hoffmeister their Collector.
	House, Offices, Yard, Sail Loft, Canvass Factory, Stores, Outbuildings, and Rear Frontage to Albert Square.	The same - -	Thomas Greg and his Trustee Thomas Batt, Elizabeth Davison, William Dummett and Mary Dummett, William Thomas Waterson, Representatives of Henry Waterson deceased, who was Executor of Thomas Ekenhead deceased, and James Lemon.	James Lemon.
	House, Shop, Yard, Stores, Lofts, Sheds, and Outbuildings.	The same - -	Thomas Greg and his Trustee Thomas Batt, Robert James Tennent, Robert Greer, and Agnes Gemmill, Representatives of Robert Gemmill deceased, and John Crawford Trotter.	John Crawford Trotter.
	House, Shop, Yard, and Outbuildings.	The same - -	Thomas Greg and his Trustee Thomas Batt, Robert James Tennent, and Alexander Gunn.	Alexander Gunn.
	House, Shop, Yard, Stores, and Outbuildings.	The same - -	Thomas Greg and his Trustee Thomas Batt, Jane Greg, and John Johnson.	John Johnston.
	Harbour Offices, House, Yard, Cellars, and Outbuildings.	The same - -	Thomas Greg and his Trustee Thomas Batt, Rev <sup>d</sup> William Crawford, Hugh Crawford, and Hugh Wm. Crawford,	The Belfast Harbour Commissioners, Valentine Whitlea (Chairman) and Edmund Getty (Secretary).

Name of Street or Place.	Description of Property.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
Queen's Square (continued).			John Wallace, and the Belfast Harbour Commissioners, Valentine Whitla (Chairman) and Edmund Getty (Secretary).	
	Public Square, Street, or Passage, called Queen's Square.	The Mayor, Aldermen, and Burgesses of the Borough of Belfast.	The Mayor, Aldermen, and Burgesses of the Borough of Belfast.	Themselves and the Public.
Store Lane -	Office, Stores, and Lofts.	The Marquess of Donegall and his Trustees John Hopton Russell Chichester and Thomas Verner, the Earl of Belfast, Thomas Greg and his Trustee Thomas Batt.	Thomas Greg and his Trustee Thomas Batt, Andrew John Barnett, and Terence O'Brien.	Terence O'Brien.
	House and Shop -	The same - -	Thomas Greg and his Trustee Thomas Batt, Robert Thompson, and Andrew John Barnett.	James M'Convil.
	House, Shop, and Yard.	The same - -	The same - -	James Savage.
	House, Shop, and Yard.	The same - -	The same - -	Macline Henry.
	House, Shop, and Yard.	The same - -	The same - -	James Ferguson.
	Public Street or Passage called Store Lane.	The Mayor, Aldermen, and Burgesses of the Borough of Belfast.	The Mayor, Aldermen, and Burgesses of the Borough of Belfast.	Themselves and the Public
Albert Square -	House, Shop, Store, and Cellars.	The Marquess of Donegall and his Trustees John Hopton Russell Chichester and Thomas Verner, the Earl of Belfast, Thomas Greg and his Trustee Thomas Batt.	Thomas Greg and his Trustee Thomas Batt, and Arthur Alexander.	Arthur Alexander and John Welsh.
	Shop and Store -	The same - -	The same - -	Arthur Alexander and John M'Kenna.

Name of Street or Place.	Description of Property.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
Albert Square (continued).	Lofts and Stores adjoining.	The Marquess of Donegall and his Trustees John Hopton Russell Chichester and Thomas Verner, the Earl of Belfast, Thomas Greg and his Trustee Thomas Batt.	Thomas Greg and his Trustee Thomas Batt, and Arthur Alexander, and John Smith and Thomas Smith.	John Smith and Thomas Smith.
	Stores and Lofts -	The same - -	Thomas Greg and his Trustee Thomas Batt, Eliza Scott Executrix of Alexander Scott deceased, and James Scott and John Smith and Thomas Smith.	John Smith and Thomas Smith.
	Gateway, Yard, Lofts, Stores, Office, Cellars under Stores, and Lofts adjoining, and Outbuildings.	The same - -	Thomas Greg and his Trustee Thomas Batt, Eliza Scott Executrix of Alexander Scott deceased, and James Scott.	James Scott.
	Lofts and Stores -	The same - -	Thomas Greg and his Trustee Thomas Batt, Mary Foster, and John Porter.	Vacant.
	Office - -	The same - -	The same - -	Vacant.
	Gateway, Lofts, Stores, and Yard.	The same - -	The same - -	Jasper Macanley.
	Yard, Stores, Lofts, and Cellar under House and Shop adjoining.	The same - -	Thomas Greg and his Trustee Thomas Batt, Robert Greer and Agnes Gemmill, Representatives of Robert Gemmill deceased, and James Lemon.	James Lemon.
	House and Shop -	The same - -	Thomas Greg and his Trustee Thomas Batt, Robert Greer and Agnes Gemmill, Representatives of Robert Gemmill deceased, and Richard M'Cune.	Richard M'Cune.
	House, Shop, and Cellars.	The same - -	Thomas Greg and his Trustee Thomas Batt, John Wallace, and Bernard Fitzpatrick.	Bernard Fitzpatrick.

Name of Street or Place.	Description of Property.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
Albert Square (continued).	Passage in common	The Marquess of Donegall and his Trustees John Hopton Russell Chichester and Thomas Verner, the Earl of Belfast, Thomas Greg and his Trustee Thomas Batt.	Thomas Greg and his Trustee Thomas Batt, John Wallace, Bernard Fitzpatrick, and John Colvil.	Bernard Fitzpatrick and John Colvil.
	House, Shop, Yard, and Out-convenience.	The same - -	Thomas Greg and his Trustee Thomas Batt, the Rev <sup>d</sup> W <sup>m</sup> Crawford, Hugh Crawford and Hugh Will <sup>m</sup> Crawford, and James Nichol.	James Nichol.
	Gateway and Yard, and Cellars under Stores, and Lofts adjoining.	The same - -	The same - -	James Nichol.
	Public Square, Street, or Passage, called Albert Square.	The Mayor, Aldermen, and Burgesses of the Borough of Belfast.	The Mayor, Aldermen, and Burgesses of the Borough of Belfast.	Themselves and the Public.
Donegall Quay	Stores and Lofts over Cellars and Gateway.	The Marquess of Donegall and his Trustees John Hopton Russell Chichester and Thomas Verner, the Earl of Belfast, Thomas Greg and his Trustee Thomas Batt.	Thomas Greg and his Trustee Thomas Batt, the Reverend William Crawford, Hugh Crawford, and Hugh W <sup>m</sup> Crawford, John Cunningham and James Hamilton, Trustees of Robert Simms deceased, and James Hamilton.	James Hamilton.
	House, Shop, Cellars, Yard, Out-conveniences, and Cellar under Part of House and Shop in Albert Square.	The same - -	Thomas Greg and his Trustee Thomas Batt, John Wallace, and John Colvill.	John Colvill.
	Public Street or Passage called Donegall Quay.	The Mayor, Aldermen, and Burgesses of the Borough of Belfast.	The Mayor, Aldermen, and Burgesses of the Borough of Belfast.	Themselves and the Public.

Name of Street or Place.	Description of Property.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
Quay Lane -	House, Shop, Yard, Pigstye, and Out-convenience.	The Marquess of Donegall and his Trustees John Hopton Russell Chichester and Thomas Verner, the Earl of Belfast, Thomas Greg and his Trustee Thomas Batt.	Thomas Greg and his Trustee Thomas Batt, Adam John Macrory and James Heron.	George M'Cracken.
	Building Ground extending back to Victoria Street.	The Mayor, Aldermen, and Burgesses of the Borough of Belfast.	The Northern Banking Company, and James Bristow and Hugh Montgomery, public Officers of the said Company.	The Northern Banking Company.
	Public Street or Passage called Quay Lane.	The same - -	The Mayor, Aldermen, and Burgesses of the Borough of Belfast.	Themselves and the Public.
Waring Street -	Office - -	The Marquess of Donegall and his Trustees John Hopton Russell Chichester and Thomas Verner, the Earl of Belfast, Thomas Greg and his Trustee Thomas Batt.	Thomas Greg and his Trustee Thomas Batt, Adam John Macrory, and James Heron.	Thomas Quin.
	Rooms over Office, adjoining Passage and Staircase.	The same - -	The same - -	Robert Malcom, Adam Chambers, James Templeton, John Larmour, Owen Fitzpatrick, and Charles M'Lean.
	Shop and Room -	The same - -	The same - -	William Garrett.
	Shop and Room -	The same - -	The same - -	John Hughes.
	House and Shop -	The same - -	The same - -	Patrick Smith.
	House, Office, Stores, Shed, and Yard.	The same - -	The same - -	James Fraser and John Finch.
	House and Offices	The same - -	Thomas Greg and his Trustee Thomas Batt, Adam John Macrory, James Heron, James Fraser, and John Finch, and John Richey.	John Richey and James M'Donnell.

Name of Street or Place.	Description of Property.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
Waring Street (continued).	Shop, Stores, Sail Loft, and Yard.	The Marquess of Donegall and his Trustees John Hopton Russell Chichester and Thomas Verner, the Earl of Belfast, Thomas Greg and his Trustee Thomas Batt.	Thomas Greg and his Trustee Thomas Batt, Adam John Macrory, and Robert M. Carson.	Robert M. Carson.
	Shop - - -	The same - - -	Henry Joy Tomb and William Hanvey.	Thomas Parker junior.
	Public Street or Passage called Waring Street.	The Mayor, Aldermen, and Burgesses of the Borough of Belfast.	The Mayor, Aldermen, and Burgesses of the Borough of Belfast.	Themselves and the Public.
Queen's Square	House, Shop, Stores, Stable, and Yard.	The Marquess of Donegall and his Trustees John Hopton Russell Chichester and Thomas Verner, the Earl of Belfast, Thomas Greg and his Trustee Thomas Batt.	Thomas Greg and his Trustee Thomas Batt, and John Barnett.	Vacant.
	House, Shop, Stores, Lofts, and Passage into Store Lane.	The same - - -	Thomas Greg and his Trustee Thomas Batt, and James Caughy.	Robert Mehany.
	House, Shop, and Room under House and Shop adjoining in Store Lane.	The same - - -	Thomas Greg and his Trustee Thomas Batt, and Hill Hamilton.	Rose Ann Pray.
Irelands Entry	Public Street, Entry, or Passage off Queen's Square.	The Mayor, Aldermen, and Burgesses of the Borough of Belfast.	The Mayor, Aldermen, and Burgesses of the Borough of Belfast.	Themselves and the Public.
Store Lane -	House and Shop -	The Marquess of Donegall and his Trustees John Hopton Russell Chichester and Thomas Verner, the Earl of Belfast, Thomas Greg and his Trustee Thomas Batt.	Thomas Greg and his Trustee Thomas Batt, and Hill Hamilton.	Arthur Carson.
	House and Shop -	The same - - -	The same - - -	James Webb.

Name of Street or Place.	Description of Property.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
Store Lane (continued).	House and Shop -	The Marquess of Donegall and his Trustees John Hopton Russell Chichester and Thomas Verner, the Earl of Belfast, Thomas Greg and his Trustee Thomas Batt.	Thomas Greg and his Trustee Thomas Batt, and William B. Ritchie.	Benjamin Alexander.
	Passage in common	The same - -	Thomas Greg and his Trustee Thomas Batt, James Caughey, and Andrew John Barnett.	Robert Mehany and Andrew John Barnett.
	Shop, Stores, Yard, Lofts, and Out-convenience.	The same - -	Thomas Greg and his Trustee Thomas Batt, and Andrew John Barnett.	Vacant.
	Shop and Stores -	The same - -	The same - -	James Savage.
	Office, Stores, Shed, Lofts, and Yard.	The same - -	The same - -	Andrew John Barnett.
	House and Shop -	The same - -	Thomas Greg and his Trustee Thomas Batt, and Mary Magee.	Edward M'Glaughlin.
	Shop - -	The same - -	Thomas Greg and his Trustee Thomas Batt, and Andrew Dool.	James Kelly.
	House, Shop, Yard and Pigstye, and Out-convenience.	The same - -	Thomas Greg and his Trustee Thomas Batt.	Andrew Dool.
Chichester Lane	House - -	The same - -	The same - -	Ann Shaw.
	House and Yard -	The same - -	The same - -	William Andrews.
	House and Yard -	The same - -	The same - -	James Bode.
	House and Yard -	The same - -	The same - -	Bernard Valley.
	House and Shop -	The same - -	The same - -	Mary Tallon.
	House - -	The same - -	The same - -	Mary Mooney.
	House - -	The same - -	The same - -	John Robinson.
	House, Shop, and Yard.	The same - -	The same - -	Elizabeth M'Alice.
	House, Shop, and Yard.	The same - -	The same - -	John Clarke.
	House, Shop, and Yard.	The same - -	The same - -	Anne Lane.
	House, Shop, and Yard.	The same - -	The same - -	David Lindsay.
	House, Shop, and Yard.	The same - -	The same - -	Hugh Donnely.
	Public Street or Passage called Chichester Lane.	The Mayor, Aldermen, and Burgesses of the Borough of Belfast.	The Mayor, Aldermen, and Burgesses of the Borough of Belfast.	Themselves and the Public.



Name of Street or Place.	Description of Property.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
Albert Square -	House and Shop -	The Marquess of Donegall and his Trustees John Hopton Russell Chichester and Thomas Verner, the Earl of Belfast, Thomas Greg and his Trustee Thomas Batt.	Thomas Greg and his Trustee Thomas Batt.	Peter Mackerell.
	Part of Shop adjoining.	The same - -	The same - -	Mary Shoveland.
	House, Shop, Yard, and Shed.	The same - -	The same - -	William M'Ferran.
	House, Shop, and Yard.	The same - -	Adam John Macrorry.	Charlotte Shields.
	House, Shop, Yard, and Stores.	The same - -	The same - -	Patrick Moyné.
	House and Shop -	The same - -	Henry Joy Tomb and William Hanvey.	William Hanvey.

## C A P. XXXI.

An Act to legalize the Formation of Industrial and Provident Societies. [30th June 1852.]

13 & 14 Vict.  
c. 115.

‘ WHEREAS by an Act passed in the Thirteenth Year of the  
 ‘ Reign of Her present Majesty, intituled *An Act to con-*  
 ‘ *solidate and amend the Laws relating to Friendly Societies*, it  
 ‘ was enacted, that a Society might be established under the Pro-  
 ‘ visions of the said Act for any of the Objects therein mentioned;  
 ‘ that was to say, (amongst other Objects,) “ for the Relief, Main-  
 ‘ “ tenance, and Endowment of the Members, their Husbands,  
 ‘ “ Wives, Children, and Kindred;” “ and for the frugal Invest-  
 ‘ “ ment of the Savings of the Members, for better enabling them  
 ‘ “ to purchase Food, Firing, Clothes, or other Necessaries, or the  
 ‘ “ Tools or Implements of their Trade or Calling, or to provide  
 ‘ “ for the Education of their Children or Kindred, provided  
 ‘ “ (amongst other things) that the Shares in any such Investment  
 ‘ “ should not be transferable:” And whereas various Associations  
 ‘ of Working Men have been formed for the mutual Relief, Main-  
 ‘ tenance, Education, and Endowment of the Members, their  
 ‘ Husbands, Wives, Children, or Kindred, and for procuring to  
 ‘ them Food, Lodging, Clothing, and other Necessaries, by exer-  
 ‘ cising or carrying on in common their respective Trades or  
 ‘ Handicrafts; and it is expedient to extend the Provisions of the  
 ‘ said recited Act to such Associations, and otherwise to regulate  
 ‘ the same:’ Be it therefore enacted by the Queen’s most Excel-  
 ‘ lent Majesty, by and with the Advice and Consent of the Lords  
 ‘ Spiritual and Temporal, and Commons, in this present Parlia-  
 ‘ ment assembled, and by the Authority of the same, as follows :

I. It

I. It shall be lawful for any Number of Persons to establish a Society under the Provisions of this and the said recited Act, for the Purpose of raising by voluntary Subscriptions of the Members thereof a Fund for attaining any Purpose or Object for the Time being authorized by the Laws in force with respect to Friendly Societies, or by this Act, by carrying on or exercising in common any Labour, Trade, or Handicraft, or several Labours, Trades, or Handicrafts, except the working of Mines, Minerals, or Quarries beyond the Limits of the United Kingdom of *Great Britain and Ireland*, and also except the Business of Banking, whether in the said United Kingdom or elsewhere; and this Act shall apply to all Societies already established for any of the Purposes herein mentioned, so soon as they shall conform to the Provisions hereof.

Societies of Working Men may be established for attaining the Objects of Friendly Societies Acts by means of joint Trade.

II. The Rules of any such Society shall provide,

Rules of the Society.

1st, For allowing Payments to be made from Time to Time to all Members of the Society in respect of any Work or Service which they may do or perform for or on behalf of the same:

2d, Upon what Terms and Conditions (if any) Persons not Members of the Society shall be employed for or on behalf of the same; yet so that any Person not a Member of the Society who shall be employed for or on behalf of the same shall receive in respect of any Work or Service done or performed by him on behalf of such Society, whether by way of Wages or otherwise, at least the same Amount or Value as if he were a Member of the Society:

3d, Whether or not any Loans shall be contracted with Persons (whether Members of the Society or not) for the better effecting the Purposes thereof, and how such Loans and Interest thereon (if any) shall be secured; yet so that the Interest on any such Loan shall not exceed the Rate of Six Pounds *per Centum per Annum*, and so that the total Amount of Monies to be owing on Loan by the Society at any One Time shall not exceed Four Times the Amount of paid-up Subscriptions for the Time being; and a Declaration under the Hands of the Trustees or Trustee of the Society, certified by the Registrar of Friendly Societies, shall be sufficient Evidence in that Behalf of the Amount of paid-up Subscriptions:

4th, For the Receipt of Subscriptions from Persons, Members of the Society, and for the Payment of Dividends on such Subscriptions at any Rate not exceeding Five Pounds *per Centum per Annum*; but so that no Dividend shall be paid to any Member of the Society out of the Capital of the same:

5th, For the Appropriation from Time to Time of the net Proceeds of any Trade, Labour, or Handicraft exercised or carried on by the Society, after such Payments as hereinbefore mentioned, in the first place, to the Repayment of any Loans made to the Society, or any Instalment thereof, and, subject thereto, to all or any of the following Purposes; viz. to the Increase of the Capital or Business of the

the Society ; to such provident Purposes, or any of them, as shall be from Time to Time authorized by the Laws in force with respect to Friendly Societies ; to a Division or Return to or amongst the Members of the Society of the Profits on or in respect of any Purchases made by them respectively of Goods or Articles made, produced, or sold by the Society ; to the Payment to or amongst the Members of the Society, or other such Persons as herein mentioned, in respect of any Works or Services done or performed by them respectively for or on behalf of the Society, of any Part not exceeding One Third of such net Proceeds :

- 6th, For the Appointment of such Managers or other Officers, whether Members of the Society or not, at such Salaries, or for such Compensations, and with such Powers and Authorities, Duties and Responsibilities, and subject to such Conditions, as to Removal or otherwise, as shall appear requisite from Time to Time for the better carrying out of the Objects of the Society :
- 7th, For the making or confirming of all such Contracts as shall be necessary or expedient for the Purposes of the Society, which Contracts, when executed or entered into in accordance with the Rules of the Society, shall be binding on all Members of the same ; and for the Enforcement of the Liability of Members in respect of such Contracts :
- 8th, For the due Payment by the Members, their Executors or Administrators, of all Subscriptions, Debts, Fines, or other Sums of Money which they may owe to the Society, from Time to Time, in accordance with the Rules thereof :
- 9th, For enabling Members to withdraw from the Society, on Notice given, for a Period to be fixed by the Rules ; and for determining whether and to what Extent Members shall be compelled to discharge their Obligations to the Society before withdrawing from the same, and for otherwise regulating Withdrawals :
- 10th, For regulating the Claims (if any) of the Executors or Administrators of deceased Members of the Society upon the Funds of the same, in respect of the Interest of their respective Testators or Intestates in the same :
- 11th, For keeping Account of all the Transactions of the Society, for the balancing and auditing of such Accounts twice at least in every Year, and for the Inspection of the Accounts by the Members :
- 12th, For referring to Arbitration all Disputes which may arise between any Member of the Society and the Trustees, Treasurer, Manager, Committee, or Officers of the same, or any of them :
- 13th, For determining under what Conditions of pecuniary Loss or otherwise, and by what Meetings and how composed, and by what special or other Majorities of the Members or other Persons present at such Meetings, the Society shall be dissolved ; and whether, and in what Cases, and by what Means, a single Member may summon a Meeting

ing for the Dissolution of the Society ; and for winding up the Affairs of the Society on the Dissolution thereof.

III. The Interest of any Member in any such Society shall not be transferable, but the whole Amount of the Balance due to any Member shall be paid to him on Withdrawal from the same according to the Rules of the Society.

Interest of Members not transferable.

IV. If any Member in any such Society shall become bankrupt, or shall take the Benefit of any Act for the Relief of Insolvent Debtors, such Member shall be taken to have withdrawn from the Society on the Day of the Date of the filing of the Petition for Adjudication of Bankruptcy, or (in the Case of any Insolvent Debtor) of the Declaration of Insolvency, or the Petition for Discharge or for a Vesting Order respectively, as the Case may be ; and the Assignees of any such Bankrupt or Insolvent shall have such Claim upon the Society, and no other, as the Bankrupt or Insolvent would have had if he had actually withdrawn at the Date aforesaid.

As to Members becoming bankrupt or insolvent.

V. If either of the Parties to any Arbitration which shall take place under this Act for the Settlement of a Dispute shall refuse or neglect to comply with or conform to the Decision of the Arbitrators or the major Part of them, then, in case the Sum or Value in dispute shall not exceed the Limit fixed by Law for the Time being for any Debt or Damages claimable in the County Court in *England* or in the Court of the Assistant Barrister in *Ireland* respectively (as the Case may be), it shall be lawful for the Judge of the County Court or the Assistant Barrister respectively (as the Case may be), within whose Jurisdiction the Society shall be established or shall carry on Business for the Time being, upon Proof adduced before him to his Satisfaction of an Award having been made by the Arbitrators according to the Rules of the Society, to cause the Award to be entered as a Judgment in his Court, and such Award shall thereupon take effect and be enforceable in the same Manner, to all Intents and Purposes, as a Judgment of such Court in a Cause between the same Persons as shall be Parties to the said Reference, except that the same shall be final and without Appeal ; but in case the Sum or Value in dispute shall exceed the Limit fixed by Law for the Time being for any Debt or Damages claimable in the County Court or the Court of the Assistant Barrister respectively, then the same may, on the Application of either Party, be made a Rule of any of Her Majesty's Superior Courts at *Westminster* or at *Dublin* (as the Case may be).

Awards of Arbitrators may be enforced by County Courts where Sum, &c. in dispute is within its Jurisdiction.

Where it exceeds such Jurisdiction, to be submitted to Superior Courts.

VI. The Sheriff in *Scotland* shall within his County have the like Jurisdiction as is hereby given to the Judge of the County Court in any Matter arising under this Act.

Sheriffs Jurisdiction in Scotland.

VII. Notwithstanding anything contained in the Laws for the Time being in force relating to Friendly Societies, it shall not be incumbent on any Treasurer or other Officer of any Society constituted under the Provisions of this Act to invest any of the Funds of such Society in manner provided by the Laws relating to Friendly Societies, nor shall any such Society be allowed to invest any Portion of such Funds with the Commissioners for the Reduction of the National Debt.

Investment of Funds.

Friendly Societies Acts to be applicable, except as varied by this Act or certified to be inapplicable.

7 & 8 Vict. c. 110. not to extend to Societies under this Act.

Limitation of Interest of Members in Funds of Society.

Annual Returns to be prepared as Registrar may direct.

Liability of the Members not to be restricted.

Provisions of Friendly Societies Acts giving such Societies Priority over other Creditors in certain Cases not to apply to Societies constituted under this Act.

VIII. All the Provisions of the Laws relating to Friendly Societies shall apply to every Society to be constituted under this Act, and to every Officer and Member of such Society, and to every Proceeding under this Act, except so far as any such Provision may be expressly varied by this Act, or by any Rule expressly authorized to be made by this Act, and also except so far as the Registrar of Friendly Societies from Time to Time, by Writing under his Hand, to be endorsed on the Rules of any such Society, shall certify that any such Provision is not applicable to such Society; and no such Society shall be considered to be within the Provisions of an Act passed in the Session of Parliament of the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies*.

IX. No Society shall be entitled to the Benefit of this Act whereof the Rules shall not provide that the Amount of the Share or Interest in the Funds of the same to be held at any One Time by or in trust for any One Member of the same, or any Persons claiming by or through him, otherwise than by way of Annuity, shall be restricted to a Sum to be therein fixed, but which shall not exceed One hundred Pounds, exclusively of any Annuity; nor shall any Member or other Person be entitled by way of Annuity to any Interest in the Funds of such Society to an Amount exceeding Thirty Pounds *per Annum*.

X. The General Statement of the Funds and Effects of any Society or Branch constituted under this Act, which by the Laws relating to Friendly Societies is provided to be transmitted to the Registrar once in every Year, shall exhibit fully the Assets and Liabilities of the Society, and shall be prepared and made out within such Period, and in such Form, and shall comprise such Particulars, as the Registrar shall from Time to Time require, and shall be filed and preserved in such Manner as he shall direct.

XI. Nothing in this or the said recited Act shall be construed to restrict in anywise the Liability of the Members of any Society established under or by virtue of this Act, or claiming the Benefit thereof, to the lawful Debts and Engagements of such Society: Provided always, that no Person shall be liable for the Debts or Engagements of any such Society after the Expiration of Two Years from his ceasing to be a Member of the same.

XII. No Provision of the Laws relating to Friendly Societies whereby any Money due to any such Society from any Officer of the same or other Person intrusted with the keeping of the Accounts, or having in his Hands any Money or Effects belonging to any such Society, or from the Estate of any such Officer or Person, is made payable in preference to or before any other Creditor, shall apply to any Society constituted under the Provisions of this Act; and no Exemption from Stamp Duties allowed by the Laws relating to Friendly Societies shall apply to any Society constituted under the Provisions of this Act, except so far as relates to any Copy of the Rules of such Society, and to any other Instrument or Document whatsoever relating to such Society, which might have been given, issued, signed, made, or produced under the Laws relating to Friendly Societies by or on behalf of

or

or respecting a Society constituted under the Laws in force relating to such Societies previously to the passing of this Act, and would have been exempt from Duty in such Case.

XIII. The Words "County Court," when occurring in this Act, shall apply only to County Courts established or holden under the Provisions of an Act passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act for the more easy Recovery of Small Debts and Demands in England*, and the Acts amending the same.

Meaning of Words "County Court."

9 & 10 Vict. c. 95.

XIV. This Act may be cited as the "Industrial and Provident Societies Act, 1852."

Short Title.

## C A P. XXXII.

An Act to alter and amend certain Provisions in the Laws relating to the Number and Election of Magistrates and Councillors in the Burghs in *Scotland*. [30th June 1852.]

WHEREAS an Act was passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter and amend the Laws for the Election of the Magistrates and Councils of the Royal Burghs in Scotland*: And whereas another Act was passed in the Fourth and Fifth Years of the Reign of His said late Majesty, intituled *An Act to explain certain Provisions of an Act of the Third and Fourth Years of the Reign of His present Majesty, to alter and amend the Laws for the Election of the Magistrates and Councils of the Royal Burghs in Scotland*: And whereas it is expedient to alter the Number of Magistrates and Councillors in certain of the Royal Burghs in *Scotland*, and to make Provision for the Case of the Provost and Magistrates of any Burgh being included in the One Third of the Council going out of Office annually, and also for a new Election taking place in such Royal Burghs as now are or shall in future be under the Administration of Managers lawfully appointed: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

3 & 4 W. 4. c. 76.

4 & 5 W. 4. c. 87.

I. That in construing this Act the Word "Council" shall be held to include Provost, Bailies, and Councillors; the Word "Magistrates" shall be held to mean Provost and Bailies, or Bailies, as the Case may be.

Interpretation Clause.

II. At and after the next annual Election of Councillors in each of the Royal Burghs in *Scotland* specified in the Schedule to this Act annexed, the Number of the Councils of such Royal Burghs shall be limited to the Numbers specified in the said Schedule as applicable to each such Burgh respectively, and at such next annual Elections respectively the whole Number of Councillors specified in the said Schedule as applicable to each such Burgh, and no larger Number, shall be elected according, or as nearly as may be according, to present Use, and no Member of Council shall continue in Office in respect of any prior Election.

Number of the Councils in certain Royal Burghs limited to the Number specified in the Schedule.

Magistrates in such Burghs limited to the Number specified in the Schedule.

III. At and after such next annual Elections respectively the Magistrates of each such Burgh shall be the Number and Description of Magistrates specified in the said Schedule to this Act annexed as applicable to each such Burgh respectively; and it shall be competent for the Councillors of each such Burgh elected under this Act to elect according, or as nearly as may be according, to present Use, such Number and Description of Magistrates in each such Burgh respectively as are specified in the said Schedule as applicable to such Burgh.

On Completion of next annual Elections Magistrates and Councils previously in Office shall go out.

IV. On the Completion of such next annual Elections respectively the whole Magistrates and Council previously in Office in each such Burgh shall go out, and their whole Powers, Duties, and Functions shall cease and determine, without Prejudice, nevertheless, to the Re-election under this Act of any of the Persons so to go out, and from and after such next annual Election of Councillors in each such Burgh a Majority of the whole Council of such Burgh shall constitute a Quorum.

Magistrates to retain Office until their Successors are elected and come into Office.

V. 'Whereas by the said first-recited Act, and by the Seventy-seventh Chapter of the Statute passed in the same Year of King *William the Fourth*, it is provided that One Third of the Councils of the Burghs therein respectively referred to shall go out of Office annually, and Difficulties have arisen in consequence of the Provost and Magistrates of a Burgh having been included in the Third Part of the Council so going out of Office, whereby their Powers ceased before their Successors were elected.' For Remedy whereof, whenever it shall so happen that the Provost and Magistrates of any of the said Burghs shall all be included in the One Third of the Council going out of Office as aforesaid, they shall nevertheless retain and continue to exercise all the Powers and Functions of their several Offices of Provost and Magistrates respectively until the Election and coming into Office of their Successors; but they shall not, after the Period of their so going out of Office, be entitled to act or vote as Councillors.

Provost or Chief Magistrate to preside at First Meeting of Council after annual Election.

VI. At the First Meeting of the Council of any such Burgh after the annual Election, but before the Election of the Provost and Magistrates, the Provost or Senior Magistrate who may continue to be a Member of Council and be present at the said Meeting shall preside thereat, and shall at such Meeting have a deliberative and in case of Equality of Votes a Casting Vote; and if the Provost and all the Magistrates shall be in the Number of Councillors retiring from Office, then the retiring Provost or Chief Magistrate, or failing them the retiring Magistrate next in Seniority, shall attend and preside at such Meeting until the Meeting shall have elected the Provost and Magistrates respectively, as the Case may be, and no longer, and such Provost or Magistrate shall have no deliberative Vote in such Meeting, but shall, in case of Equality of Votes, have a Casting Vote.

Election in Burghs not contained in Schedule F. of 3 & 4 W. 4. c. 76. having no legal Councils and

VII. Where any Burgh not contained in Schedule F. annexed to the said first-recited Act shall at the Time of the passing of this Act be without any legal Council, and be under the Administration of Managers lawfully appointed, the qualified Electors of such Burgh shall, before the First *Tuesday* of *November* next after the passing of this Act, proceed to choose the Number of Councillors

Councillors provided to such Burgh by this or the said first-recited Act; and where any such Burgh shall, in consequence of the Decision of a Court of Law or otherwise, be without a legal Council at any future Time, and under the Administration of Managers, the qualified Electors of such Burgh shall, before the First Tuesday of November next ensuing after the Date of the Appointment of such Managers, proceed to choose the Number of Councillors provided to such Burgh by this or the said first-recited Act; and in all such Cases the Sheriff of the County within which such Burgh is situated shall, on Application made to him by any qualified Elector of such Burgh, appoint One of the Managers thereof to discharge the Duties and exercise the Powers directed in the said first-recited Act and this Act to be performed and exercised by the retiring Provost or Senior Magistrate of such Burgh; and every such Election shall proceed and be carried on in all other respects in the Manner provided by the said first-recited Act and this Act until the Council of such Burgh shall be completed.

being under the Administration of Managers.

VIII. Immediately after the Election of Councillors in any such Burgh shall be completed in manner herein-before provided the Councillors so elected shall proceed to elect from among their own Number the Magistrates of such Burgh, and shall also elect a Treasurer and the other usual and ordinary Office Bearers fixed by the Set or Usage of such Burgh, and shall elect Managers of any charitable Institution which may be connected with such Burgh and the Appointment of Managers to which is vested in the Magistrates and Council of such Burgh, all in the Manner provided in the said first-recited Act with regard to the Election of Magistrates and other Office Bearers, the Councillor who had the greatest Number of Votes at the Election of Councillors presiding at such Election, and having a casting or double Vote in case of Equality; and in the event of Two or more Councillors having an equal Number of Votes, One of the Managers of such Burgh to be appointed as aforesaid shall preside, and shall have a casting but no deliberative Vote; and immediately on the Completion of such Election of Magistrates the Managers of such Burgh shall cease to hold Office and to administer the Affairs of the Burgh; and all succeeding annual Elections of Councillors and Magistrates in any such Burgh shall take place at the Time and in the Manner provided in the said recited Acts and this Act.

Election of Magistrates, &c. in Cases where Burgh has been without Council and under Managers.

Succeeding annual Elections of Council

IX. No Election of any Provost or Magistrates or Councillors in any Burgh which shall have taken place prior to the passing of this Act shall be invalid by reason of any retiring Provost or Magistrate, or of any other Person not legally authorized, having presided at such Election, or having cast up the Votes and declared the Result of any Election of Councillors of such Burgh, anything in any Act of Parliament or Law or Practice to the contrary in anywise notwithstanding: Provided always, that nothing herein contained shall affect any Action or Proceeding at Law instituted prior to the passing of this Act.

Election of Magistrates not to be invalid in consequence of retiring Magistrate or other unauthorized Person presiding at Election.

X. The Provisions of the said recited Acts with respect to the Mode of Election of Magistrates and Councils, the Term of Magistrates and Councils remaining in Office, the Supply of Vacancies, and

Recited Acts to remain in force, except in so far as inconsistent with this Act



and all other the Provisions thereof, shall, excepting in so far as inconsistent with or varied by this Act, be and remain in full Force and Effect, but the said Acts shall, in so far as the same or any Parts thereof are inconsistent with the Provisions of this Act, but no further, be and the same are hereby repealed.

### SCHEDULE to which the foregoing Act refers.

—	Number of Council.	Bailies.	Provost.	—	Number of Council.	Bailies.	Provost.
Annan -	15	3	1	Inverkeithing -	12	2	1
Anstruther, Easter -	9	2	1	Irvine -	18	3	1
Anstruther, Wester -	9	2	0	Jedburgh -	15	3	1
Arbroath -	18	3	1	Kilrenny -	9	2	1
Auchtermuchty -	12	2	1	Kinghorn -	9	2	1
Banff -	9	3	1	Kirkwall -	12	2	1
Burntisland -	12	2	1	Lanark -	15	3	1
Crail -	9	2	1	Lauder -	9	2	0
Cullen -	12	2	1	Linlithgow -	15	3	1
Culross -	9	2	1	Lochmaben -	9	1	1
Cupar -	18	3	1	New Galloway	9	2	1
Dornoch -	9	2	1	North Berwick	9	2	0
Dumbarton -	15	3	1	Peebles -	12	2	1
Dunbar -	12	3	1	Pittenweem -	12	2	1
Dysart -	9	2	1	Queensferry -	9	2	1
Earlsferry -	9	2	0	Renfrew -	12	2	1
Falkland -	12	2	1	Rothsay -	18	3	1
Forfar -	15	3	1	Sanquhar -	9	2	1
Haddington -	18	3	1	Selkirk -	15	2	1
Inverary -	12	2	1	Whithorn -	9	2	1
				Wick -	15	3	1

### C A P. XXXIII.

An Act to confirm certain Provisional Orders made under an Act of the last Session, "to facilitate Arrangements for the Relief of Turnpike Trusts, and to make certain Provisions respecting Exemptions from Tolls."

[30th June 1852.]

**W**HEREAS the Right Honourable *Spencer Horatio Walpole* One of Her Majesty's Principal Secretaries of State, has, in pursuance of the Act of the last Session of Parliament, "to facilitate Arrangements for the Relief of Turnpike Trusts, and to make certain Provisions respecting Exemptions from Tolls," made certain Provisional Orders under his Hand to reduce the Rate of Interest, and for extinguishing the Arrears of Interest on the Mortgage Debts charged or secured on the Tolls or Revenues of certain Turnpike Roads, and has caused such Orders to be published in the *London Gazette*, and in

14 & 15 Vict.  
c. 38.

'News-

' Newspapers circulating in the Neighbourhood of such Roads, and the Dates of such Provisional Orders, and the Acts under which the Tolls or Revenues on which such Debts are charged or secured are levied or raised, together with the Amount to which the Rate of Interest on such Debts is reduced, and the Day up to which the Interest and Arrears of Interest on such Debts are extinguished or proposed to be extinguished by such Orders, are mentioned in the Schedule to this Act: And whereas it is expedient that the said Provisional Orders should be confirmed, and made absolute: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Provisional Orders are hereby confirmed, and made absolute, and shall be as binding and of the like Force and Effect as if the Provisions thereof had been expressly enacted by Parliament.

Provisional  
Orders con-  
firmed.

## SCHEDULE.

Date of Provisional Order.	Title of Local Act.	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annum.	Arrears of Interest to be extinguished to the following Dates.
1852. 24 April -	55 G. 3. c. 48., " An Act for repairing " the Road from Sutton in the County " of Surrey, through the Borough of " Reigate by Sidlow Mill, to Povey " Cross, and several other Roads " therein mentioned, in the same " County," - - -	£ 14,180 0	s. 3l. per Cent.	1853.  No Arrears.
24 April -	56 G. 3. c. 47., " An Act for enlarging " the Term and Powers of Two Acts " of His present Majesty, for repair- " ing and widening the Road from " Aldermaston to Basingstoke, and " several other Roads therein men- " tioned, in the Counties of Berks " and Southampton," as far as the " same relates to the First District of " Road, - - -	2,960 0	2l. per Cent.	1852. 31 Dec.
24 April -	3 G. 4. c. 99., " An Act for amending " and repairing the Roads from " Minehead in the County of Somer- " set to Batham Bridge in the Town " of Hampton in the County of " Devon, and for making a new " Branch of Road to communicate " therewith," - - -	12,945 0	3l. per Cent.	31 Dec.
24 April -	6 G. 4. c. 46., " An Act for repairing " the Road from Kingston-upon- " Thames to Leatherhead in the " County of Surrey," - - -	{ 380 0 9,821 5	{ 3l. per Cent. 2l. 10s. per Cent.	{ 31 Dec. 31 Dec.

Date of Provisional Order.	Title of Local Act.	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annum.	Arrears of Interest to be extinguished to the following Dates.
1852. 24 April -	7 & 8 G. 4. c. 4., "An Act for making "and maintaining a Turnpike Road "from Temple Normanton in the "Parish of Chesterfield, to the "Mansfield and Tibshelf Turnpike "Road at or near Tibshelf Side Gate "in the County of Derby,"	£ s. 3,086 0	2l. per Cent.	31 Dec.
24 April -	9 G. 4. c. 84., "An Act for more "effectually repairing the Dunster, "Stowey, Watchet, and Crowcombe "Districts of the Minehead Roads "in the Counties of Somerset and "Devon, and for making and repair- "ing several other Roads communi- "cating with the same Districts of "Road or some of them," as far as the same relates to the Crowcombe District,	4,859 10	No Reduction.	31 Dec.
24 April -	1 W. 4. c. 68., "An Act for con- "solidating the Trusts of the several "Turnpike Roads in the Neighbour- "hood of Cheadle in the County of "Stafford, and for making Devia- "tions and new Branches to and "from the same," as far as the same relates to the Third or Dilhorn Dis- trict,	1,740 0	1l. 10s. per Cent.	31 Dec.
24 April -	1 W. 4. c. 68., "An Act for consoli- "dating the Trusts of the several "Turnpike Roads in the Neighbour- "hood of Cheadle in the County of "Stafford, and for making Devia- "tions and new Branches to and "from the same," as far as the same relates to the Fourth or Alton Dis- trict,	5,224 10	2l. 10s. per Cent.	31 Dec.

## C A P. XXXIV.

An Act to extend the Act to facilitate the Improvement of Landed Property in *Ireland*, and the Acts amending the same, to the Erection of Scutch Mills for Flax in *Ireland*.

[30th June 1852.]

10 & 11 Vict.  
c. 32.

‘ WHEREAS an Act was passed in the Tenth Year of Her Majesty, intituled *An Act to facilitate the Improvement of Landed Property in Ireland*: And whereas an Act of the Twelfth

‘ Twelfth and Thirteenth Years of Her Majesty, Chapter Twenty-three, was passed “ to authorize further Advances of Money for  
 ‘ “ the Improvement of Landed Property and the Extension and  
 ‘ “ Promotion of Drainage and other Works of public Utility in  
 ‘ “ *Ireland* :” And whereas another Act of the Thirteenth and  
 ‘ Fourteenth Years of Her Majesty, Chapter Thirty-one, was  
 ‘ passed “ to authorize further Advances of Money for Drainage  
 ‘ “ and the Improvement of Landed Property in the United King-  
 ‘ “ dom, and to amend the Acts relating to such Advances :” And  
 ‘ whereas under the Eighth Section of the said last-recited Act  
 ‘ Loans were authorized to be made for the Erection of Farm  
 ‘ Buildings in *Ireland*, and it is expedient to authorize Loans to  
 ‘ be made in like Manner for the Erection of Scutch Mills for  
 ‘ Flax :’ Be it therefore enacted by the Queen’s most Excellent  
 Majesty, by and with the Advice and Consent of the Lords  
 Spiritual and Temporal, and Commons, in this present Parliament  
 assembled, and by the Authority of the same, That out of any  
 Money authorized to be advanced for facilitating the Improve-  
 ment of Landed Property in *Ireland* under the said recited Act  
 of the Tenth Year of Her Majesty, or under the said secondly-  
 recited Act, or under such Part of the said thirdly-recited Act as  
 relates to the Improvement of Landed Property in *Ireland*, Loans  
 may be made for the Erection of Buildings suitable to Scutch  
 Mills for Flax in *Ireland*, and for the Formation of Watercourses  
 and Weirs necessary for providing Water Power for the same ;  
 and all the Provisions of the said recited Act of the Tenth Year  
 of Her Majesty and the said secondly and thirdly recited Acts, so  
 far as the same are applicable, shall be construed in like Manner  
 as if the Erection of Buildings and Works as aforesaid for Scutch  
 Mills for Flax had been enumerated in such recited Act of the  
 Tenth Year of Her Majesty among the Purposes for which Loans  
 might be made under that Act : Provided always, that nothing  
 herein contained shall extend to Loans for the Erection or supplying  
 of any Water-wheel or any Machinery for any such Scutch Mill  
 for Flax.

Loans under  
 recited Acts  
 may be made  
 for the Erec-  
 tion of Scutch  
 Mills in Ireland.

### C A P. XXXV.

An Act to amend an Act passed in the last Session of Par-  
 liament, intituled *An Act to regulate certain Proceedings in  
 relation to the Election of Representative Peers for Scotland.*  
 [30th June 1852.]

‘ **W**HEREAS Mention is made in the Third Section of an  
 ‘ Act passed in the last Session of Parliament, intituled *An*  
 ‘ *Act to regulate certain Proceedings in relation to the Election of*  
 ‘ *Representative Peers for Scotland*, of Subscription to a Declara-  
 ‘ tion no longer required by Law, and it is expedient to repeal  
 ‘ and amend the same :’ Be it therefore enacted by the Queen’s  
 most Excellent Majesty, by and with the Advice and Consent of  
 the Lords Spiritual and Temporal, and Commons, in this present  
 Parliament assembled, and by the Authority of the same, as  
 follows :

I The Third Section of the said recited Act be repealed.

Section 3, re-  
 pealed.

II. A

14 & 15 Vict.  
 c. 87.

Peers of Scotland may take the Oaths, &c. in Courts of Ireland, and before other Officers.

II. A Peer of *Scotland* may take and subscribe any Oaths required by Law to entitle such Peer to vote by Proxy or signed List at such Elections in Her Majesty's High Court of Chancery in *Ireland*, or Her Majesty's Courts of Queen's Bench, Common Pleas, or Exchequer in *Ireland*, in the same Manner and under the same Regulations as he may take and subscribe the same in the like Courts in *England*, or he may take and subscribe the said Oaths before the Lieutenant of any County in *Great Britain* or *Ireland*, or any Member of Her Majesty's Most Honourable Privy Council in *Great Britain* or *Ireland*, or any Judge of a County Court in *England*, or any *British* Ambassador or Minister accredited to any Foreign Court, or the Secretary of any such Embassy or Legation, or the Governor, Lieutenant Governor, or Officer administering the Government of any of Her Majesty's Plantations, Colonies, or Possessions abroad, or any of Her Majesty's Judges residing therein; and every such Person before whom the said Oaths shall be taken and subscribed shall certify the same in a Certificate attached thereto, which shall be produced, together with the Proxy or signed List of the Peer, at such Election: Provided always, that nothing herein contained shall be construed to prevent any Peer taking and subscribing such Oaths in any Manner at present competent by Law.

### C A P. XXXVI.

An Act to amend the Law relating to the certifying and registering Places of Religious Worship of Protestant Dissenters. [30th June 1852.]

1 W. & M.  
Sess. 1. c. 18.

52 G. 3. c. 155.

‘ WHEREAS by an Act passed in the First Year of the  
‘ Reign of King *William* and Queen *Mary*, intituled *An*  
‘ *Act for exempting their Majesties Protestant Subjects dissenting*  
‘ *from the Church of England from the Penalties of certain Laws*,  
‘ it was enacted, that no Congregation or Assembly for Religious  
‘ Worship should be permitted or allowed by that Act until the  
‘ Place of the meeting of such Congregation or Assembly had  
‘ been certified to the Bishop of the Diocese, or Archdeacon of  
‘ the Archdeaconry, or the Justices of the Peace at their General  
‘ or Quarter Sessions of the Peace for the County, City, or Place  
‘ in which the Meeting shall be, and registered in the Bishops or  
‘ Archdeacons Courts respectively, or recorded at the Quarter  
‘ Sessions: And whereas by another Act passed in the Fifty-  
‘ second Year of the Reign of His Majesty King *George* the  
‘ Third, intituled *An Act to repeal certain Acts and to amend*  
‘ *other Acts relating to Religious Worship and Assemblies, and*  
‘ *Persons teaching or preaching therein*, Enactments were made  
‘ for certifying and registering the Places of Meeting of certain  
‘ Congregations and Assemblies for Religious Worship of Pro-  
‘ testants: And whereas it is expedient that such Places of  
‘ Meeting should no longer be certified to or registered in the  
‘ Court of any Bishop or Archdeacon, or be certified to any  
‘ Justices of the Peace, or be recorded at the Quarter Sessions,  
‘ but that such other Provision for the Certification and Regis-  
‘ tration thereof should be made as is herein-after contained:’ Be  
it therefore enacted by the Queen's most Excellent Majesty, by  
and

and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That—

I. No Place of Meeting of any Congregation or Assembly for Religious Worship of Protestants dissenting from the Church of *England* shall from and after the passing of this Act be certified to any Bishop or Archdeacon, or to any Justices of the Peace at their General or Quarter Sessions of the Peace, or be certified to or registered in the Court of any Bishop or Archdeacon, or be recorded at the Quarter Sessions, and the certifying to any Bishop or Archdeacon, or Justices of the Peace, or the certifying to or registering or recording in any such Court or at the Quarter Sessions, after the Time aforesaid, or the Certificate of any registering therein, given after the Time aforesaid by any Bishop or Registrar or Clerk of the Peace, shall be void and of no Effect; and the Registrar of every Bishop and Archdeacon, and the Clerk of the Peace of the County, Riding, Division, City, Town, or Place in which such Places of Meeting respectively are held, shall, within Three Calendar Months next after the passing of this Act, make a Return to the Registrar General of Births, Deaths, and Marriages in *England*, according to a Form to be provided by him for the Purpose, of all such Places of Meeting which, up to the Time when this Act shall come into operation, shall have been certified to and registered in the Court of the Bishop or Archdeacon respectively, or have been certified to the Justices of the Peace, or recorded at the Quarter Sessions; and it shall be lawful, instead of certifying any such Place of Meeting to the Bishop or Archdeacon, or to the Court of any Bishop or Archdeacon, or to the Quarter Sessions, to certify the same in Writing to the said Registrar General, through the Superintendent Registrar of Births, Deaths, and Marriages of the Union, Parish, or Place in which such Meeting shall be held, and the said Superintendent Registrar shall forthwith transmit the said written Certificate to the Registrar General, who is hereby required to record the same in a Book to be kept by him for that Purpose at the General Register Office; and the certifying any such Place of Meeting to the Registrar General as aforesaid shall have the same Force and Effect as if the same were certified to the Bishop or Archdeacon, or to the Justices of the Peace at their General or Quarter Sessions of the Peace; and the said Registrar General shall give to every Person demanding the same a Certificate that any such Place of Meeting has been duly certified.

II. For every such Certificate of such Registration the Parties so registering such Places of Worship shall pay to the Superintendent Registrar a Fee of Two Shillings and Sixpence, and it shall not be lawful for him on any Ground whatever to demand or take any greater Fee or Reward for the same.

III. The Registrar General shall in every Year make out and cause to be printed a List of all existing certified Places of Worship which shall have been returned to him as aforesaid, and also of all such other Places of Worship as shall from Time to Time be certified to and recorded by him as aforesaid, and shall state in such List the County and Superintendent Registrar's District within which each of such Places of Worship is situated, and the Religious

Places of Religious Worship not to be certified to or registered in Bishop's Registry.

Fee of 2s. 6d. to be taken for such Certificate of Registration.

List of certified Places of Worship to be printed, and open to Inspection without Fee.

Religious Denomination to which it belongs, and shall cause a Copy of such List to be sent to every Superintendent Registrar of Births, Deaths, and Marriages in *England*; and such Lists shall be open at all reasonable Times, without Fee, to all Persons desirous of inspecting the same.

### C A P. XXXVII.

An Act to continue the Poor Law Commission for *Ireland*.  
[30th June 1852.]

10 & 11 Vict.  
c. 90. Sect. 1, 23.

14 & 15 Vict.  
c. 68.

Irish Poor Law  
Commission  
further con-  
tinued.

‘ **W**HEREAS by the Act of the Eleventh Year of Her Majesty, Chapter Ninety, Provisions were made for the Constitution and Appointment of Commissioners for administering the Laws for the Relief of the Poor in *Ireland*, Secretaries, Inspectors, and other Officers: And whereas by an Act of the Fifteenth Year of Her Majesty, Chapter Sixty-eight, Provisions were made for the Appointment of Two Persons, who, together with the Commissioners appointed under the said first-recited Act, should be “The Commissioners for administering the Laws for the Relief of the Poor in *Ireland*.” And whereas the above-mentioned Provisions of the said first-recited Act will expire at the End of the Session of Parliament held next after the Twenty-second Day of *July* in the present Year, and it is expedient that the Commission for administering the Laws for the Relief of the Poor in *Ireland*, as constituted under said recited Acts, should be continued for a limited Time:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Commissioners appointed by Her Majesty the Queen, or to be appointed by Her Majesty, Her Heirs and Successors, under the Authority of the said recited Acts or either of them, together with every Person by the said Acts or either of them constituted by virtue of his Office such Commissioner and every Secretary, Inspector, and other Officer and Person appointed or to be appointed by the Commissioners, under the Provisions of the said first-recited Act now in force, shall, unless he shall previously resign or be removed, or otherwise cease to hold his Office, be empowered to hold his Office and exercise the Powers thereof under the said Acts or either of them until the Twenty-third Day of *July* One thousand eight hundred and fifty-four, and thenceforth until the End of the then next Session of Parliament; and until the Expiration of the said Period it shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time, at Pleasure, to remove the Commissioner or Commissioners for the Time being appointed by Her Majesty, or to be appointed by Her Majesty, Her Heirs and Successors, under the said recited Acts or either of them, and upon every Vacancy in the Office of the Commissioner or Commissioners so appointed or to be appointed by Her Majesty, Her Heirs and Successors, either by Removal, Death, Resignation, or otherwise, to appoint, as in the said recited Acts or either of them is described, some other fit Person to the said Office.

## C A P. XXXVIII.

An Act to explain Two Acts of the Twelfth and Thirteenth Years of the Reign of Her Majesty, concerning the Appointments of Overseers, and the Authority of Justices of the Peace to act in certain Matters relating to the Poor in Cities and Boroughs. [30th June 1852.]

**W**HEREAS by the Act passed in the Twelfth Year of the Reign of Her Majesty, Chapter Eight, it was enacted, that in every City, Town Corporate, or Borough the Justices of the Peace having Jurisdiction therein should have the exclusive Right of appointing the Overseers of the Poor of the several Parishes, Townships, or other Places separately maintaining their own Poor, or of any Parts thereof within the said Cities, Towns Corporate, and Boroughs respectively, in like Manner and with the same Effect as the Justices of any County then had in respect of the Overseers of the Poor of any Parish within such County: And whereas by another Act of the Thirteenth Year of the Reign of Her Majesty, Chapter Sixty-four, it was enacted, that all Powers and Authorities which by the Act of the Forty-third Year of the Reign of Queen *Elizabeth*, intituled *An Act for the Relief of the Poor*, may be exercised out of General or Quarter Sessions by Two or more Justices of any County, might be exercised within any City or Borough by any Two or more Justices of the Peace having Jurisdiction within such City or Borough respectively as fully in all respects as by the Justices of the County in or for any Parish of such County: And whereas Doubts exist as to the Meaning of the said Statutes with reference to the Justices who are competent to act under and by virtue of the same, and it is expedient that such Doubts should be removed: Be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in any City or Borough all Justices of the Peace, whether of such City or Borough or of the County, Riding, or Division comprising the same or adjoining thereto, who shall otherwise have Jurisdiction to act in any Matter arising within such City or Borough, shall be deemed to be competent to act therein under and by virtue of the said Statutes in all respects.

Justices having Jurisdiction in other Matters in any City or Place may act in Cases relating to the Relief of the Poor.

## C A P. XXXIX.

An Act to remove Doubts as to the Lands and Casual Revenues of the Crown in the Colonies and Foreign Possessions of Her Majesty. [30th June 1852.]

**W**HEREAS by the Act of the First Year of His late Majesty King *William* the Fourth, Chapter Twenty-five, "for the Support of His Majesty's Household, and of the Honour and Dignity of the Crown of the United Kingdom of *Great Britain and Ireland*," the Produce of certain Revenues

1 W. 4. c. 25. a. 2.

which



1 Vict. c. 2. s. 2.

‘ which in former Settlements of the Civil List had been reserved to the Crown, (that is to say,) “ the Produce of the Hereditary “ Casual Revenues arising from any Droits of Admiralty or “ Droits of the Crown, or from the Duties called the Four- “ and-a-Half *per Centum* Duties, or *West Indian* Duties, and “ from all surplus Revenues of *Gibraltar*, or any other Pos- “ session of His Majesty out of the United Kingdom, and from “ all other Casual Revenues arising either in the Foreign Pos- “ sessions of His Majesty or in the United Kingdom,” which “ should accrue during the Life of His said Majesty, was directed “ to be carried to and made Part of the Consolidated Fund of “ the United Kingdom of *Great Britain and Ireland*: And “ whereas by the Act of the First Year of Her Majesty, Chapter “ Two, “ for the Support of Her Majesty’s Household, and of the “ Honour and Dignity of the Crown of the United Kingdom “ of *Great Britain and Ireland*,” it was enacted, that (with “ other Revenues) the Produce of the Hereditary Casual Revenues “ arising from any Droits of Admiralty or Droits of the Crown, or “ from the Duties called the Four-and-a-Half *per Centum* Duties, “ or *West India* Duties, and from the surplus Revenues of *Gib- “ raltar*, or any other Possession of Her Majesty out of the United “ Kingdom, and from all other Casual Revenues arising either in “ the Foreign Possessions of Her Majesty or in the United King- “ dom which were surrendered by His said late Majesty King “ *William* the Fourth for his Life, and which upon the Demise of “ His said late Majesty became payable to Her present Majesty, “ which had accrued since the Decease of His said late Majesty, “ or which should accrue during the Life of Her present Majesty, “ and which should not have been applied and distributed in the “ Payment of any Charge thereupon respectively, should be carried “ to and made Part of the said Consolidated Fund: And whereas “ from the Time of the passing of the said Act of the First Year “ of King *William* the Fourth the Lands of the Crown in the “ Colonies (save where special Provision has been made in rela- “ tion thereto by other Acts of Parliament) have been hitherto “ granted and disposed of, and the Monies arising from the same, “ whether on Sales or otherwise, have been appropriated, by or “ under the Authority of the Crown, and by and under the Autho- “ rity of the Legislatures of the several Colonies, as if the said “ Acts of the First Year of King *William* the Fourth and of the “ First Year of Her present Majesty had not been passed: And “ whereas Doubts have arisen whether the Monies arising as “ aforesaid in the said Colonies may not be considered Hereditary “ Casual Revenues within the Meaning of the said Acts, and “ whether all or any Part of other Revenues arising within the “ said Colonies, and being Hereditary Casual Revenues within “ the Meaning of the said Acts, may be lawfully appropriated to “ public Purposes for the Benefit of the Colonies within which “ they may have respectively arisen; and it is expedient that such “ Doubts should be removed:’ Be it therefore declared and enacted “ by the Queen’s most Excellent Majesty, by and with the Advice “ and Consent of the Lords Spiritual and Temporal, and Commons, “ in this present Parliament assembled, and by the Authority of “ the same, as follows :

I. The

I. The Provisions of the said recited Acts in relation to the Hereditary Casual Revenues of the Crown shall not extend or be deemed to have extended to the Monies arising from the Sale or other Disposition of the Lands of the Crown in any of Her Majesty's Colonies or Foreign Possessions, nor in anywise invalidate or affect any Sale or other Disposition already made or hereafter to be made of such Lands, or any Appropriation of the Monies arising from any such Sale or other Disposition which might have been lawfully made if such Acts or either of them had not been passed.

Recited Provisions not to be deemed to have extended to the Produce of the Sale of Lands in the Colonies.

II. Nothing in the said recited Acts contained shall extend or be deemed to have extended to prevent any Appropriation which, if the said Acts had not been passed, might have been lawfully made, by or with the Assent of the Crown, of any Casual Revenues arising within the Colonies or Foreign Possessions of the Crown (other than Droits of the Crown and Droits of Admiralty), for or towards any public Purposes within the Colonies or Possessions in which the same respectively may have arisen: Provided always, that the Surplus not applied to such public Purposes of such Hereditary Casual Revenues shall be carried to and form Part of the said Consolidated Fund.

Provisions not to prevent the Appropriation of Casual Revenues in the Colonies to Colonial Purposes.

### C A P. XL.

An Act for carrying into execution an Agreement for the Sale of Property belonging to Her Majesty, in right of Her Crown and of Her Duchy of Lancaster, to the Commissioners of Inland Revenue; and for enabling such Commissioners to dispose of their present Chief Office and other Property in the City of London.

[30th June 1852.]

‘ WHEREAS by an Act made and passed in the Session of Parliament holden in the Eighth Year of the Reign of His late Majesty King George the Third, and intituled *An Act for carrying into execution an Agreement made between the Mayor and Commonalty and Citizens of the City of London and the Wardens and Commonalty of the Mystery of Mercers of the said City and Stamp Brooksbank Esquire, Secretary to the Commissioners of His Majesty's Revenue of Excise, for the Purchase of Gresham College and the Ground and Buildings thereunto belonging, and for vesting the same, unalienably in the Crown for the Purpose of erecting and building an Excise Office there, and for enabling the Lecturers of the said College to marry, notwithstanding any Restriction contained in the Will of Sir Thomas Gresham Knight, deceased*, it is enacted, that from and after the Twenty-fifth Day of March One thousand seven hundred and sixty-eight, all that Messuage or Tenement then called *Gresham College* in the Parish of *Saint Helen's* in *Bishopsgate Street* and in *Saint Peter's the Poor* in the City of London, and all the Ground thereunto belonging and in the said Act particularly described, together with all Erections and Buildings then erected and built upon the said Ground and Premises therein described, or any Part thereof, or that should

8 G. 3. c. 32.

‘ at

' at any Time thereafter be built and erected thereon or on any  
 ' Part thereof, with all the Appurtenances whatsoever to the said  
 ' Messuage, Tenement, and College, or any Part thereof belonging  
 ' and usually held and enjoyed therewith, should be and be  
 ' deemed to be and were thereby declared to be vested in and  
 ' annexed to the Imperial Crown of this Realm, and should be  
 ' and remain for ever unalienable from the same, and that His  
 ' said Majesty, and his Successors to the Imperial Crown of this  
 ' Realm, should for ever have, hold, and enjoy the same against  
 ' the Mayor and Commonalty and Citizens of the City of *London*  
 ' and the Wardens and Commonalty of the Mystery of Mercers  
 ' of the City of *London*, and all and every Person and Persons  
 ' claiming or to claim by, from, or under them or any of them,  
 ' freed and discharged of and from all former Estates, Leases,  
 ' or other Incumbrances whatsoever made or granted of the said  
 ' Premises or any Part thereof; and by the same Act it is enacted,  
 ' that it should and might be lawful to and for all Bodies Politic,  
 ' Corporate, or Collegiate, and all Trustees, Mortgagees, and Feof-  
 ' fees in Trust, Guardians of Infants, and Committees of Lunatics  
 ' and Idiots, Executors, and Administrators whatsoever, and all  
 ' and every other Person or Persons whomsoever who were or  
 ' should be seised, possessed, or interested in any Lands or Tene-  
 ' ments standing or being contiguous or adjoining to the said  
 ' College, to bargain and sell the same to such Person or Persons  
 ' as the Commissioners of His Majesty's Treasury then being,  
 ' or any Three or more of them, or the High Treasurer, or the  
 ' Commissioners of His Majesty's Treasury for the Time being,  
 ' or any Three or more of them, should by Writing under his  
 ' or their Hands appoint to contract for the Purchase thereof  
 ' for the Purpose aforesaid, and such Lands or Tenements so to  
 ' be purchased should be conveyed to His Majesty, His Heirs or  
 ' Successors, by Deed or Deeds, to be enrolled in His Majesty's  
 ' Court of King's Bench, and when so purchased should be, and  
 ' be deemed to be, and were thereby declared to be vested in and  
 ' annexed to the Imperial Crown of this Realm, and should be  
 ' and remain for ever unalienable from the same; and all Con-  
 ' tracts, Agreements, and Sales, and all Conveyances by such  
 ' Deeds enrolled as aforesaid, which should be made by such  
 ' Bodies Politic, Corporate, or Collegiate, or other Persons afore-  
 ' said, should be valid and effectual to all Intents and Purposes,  
 ' any Law, Statute, or Usage, or any other Matter or Thing to  
 ' the contrary notwithstanding: And whereas after the passing  
 ' of the said Act, the said Messuage or Tenement called *Gresham*  
 ' *College* was pulled down, and a Building now known as "The  
 ' "Chief Office of Inland Revenue" was erected on the Site  
 ' thereof: And whereas in the Year One thousand seven hundred  
 ' and ninety-six, one *Edmund Cotterell* sold to the then Commis-  
 ' sioners of His then Majesty's Revenue of Excise, a Messuage  
 ' situate in *Bishopsgate Street* aforesaid, and then lately num-  
 ' bered 99 on the West Side of the said Street, and formerly  
 ' called or known by the Sign of the *Brass Pot*: And whereas  
 ' the said Messuage was not conveyed to His then Majesty, His  
 ' Heirs or Successors, but by Indentures of Lease and Release,  
 ' dated respectively the Twenty-first and Twenty-second Days of  
 ' *December*

' *December* One thousand seven hundred and ninety-six, the  
 ' Release being made between the said *Edmund Cotterell* of the  
 ' One Part, and *John Fisher* Esquire, therein described according  
 ' to the Fact as the Secretary of the Commissioners of Excise, of  
 ' the other Part, the said Messuage was released and confirmed  
 ' to the said *John Fisher* and his Heirs to the Use of himself  
 ' and his Heirs and Assigns for ever; and by a Deed Poll,  
 ' bearing Date some Time in the Year One thousand eight hun-  
 ' dred and one, it was declared by the said *John Fisher* that the  
 ' Consideration mentioned in the said Indenture of Release to  
 ' have been paid by him for the said Messuage was in fact paid  
 ' to him by the Commissioners of Excise to make the said Pur-  
 ' chase for them and their Successors Use, and that he would at  
 ' any Time thereafter, at the Costs and Charges of the said  
 ' Commissioners, convey the said Messuage as they should direct :  
 ' And whereas in the Year One thousand eight hundred and  
 ' twenty-two, one *Catherine Martha Mellish* sold to the then  
 ' Commissioners of His then Majesty's Revenue of Excise, a  
 ' Messuage or Tenement or Range of Buildings in *Old Broad*  
 ' *Street*, then formerly called the Excise Office, and the Messuage  
 ' or Tenement at the East End thereof, which Messuages or  
 ' Tenements and Range of Buildings were afterwards let to the  
 ' *South Sea* Company, and were afterwards called the *South Sea*  
 ' *House*, but were then divided into distinct Chambers or Teno-  
 ' ments, and also the Tenement or Building in *Old Broad Street*,  
 ' adjoining to the before-mentioned Messuages or Tenements or  
 ' Range of Buildings formerly called the *Old South Sea House*,  
 ' and then divided into distinct Chambers or Tenements : And  
 ' whereas the said Messuages or Tenements and Range of Build-  
 ' ings were not conveyed to His then Majesty, His Heirs and  
 ' Successors, but by Indentures of Lease and Release, dated re-  
 ' spectively the Eighth and Ninth Days of *November* One thou-  
 ' sand eight hundred and twenty-two, the Release being made  
 ' between the said *Catherine Martha Mellish* of the One Part,  
 ' and *Thomas Burton*, therein described according to the Fact  
 ' as the Secretary to the Commissioners of Excise, of the other  
 ' Part, the said Messuages, Tenements, and Range of Buildings  
 ' were released and confirmed to the said *Thomas Burton* and  
 ' his Heirs, to the Use of himself, his Heirs and Assigns for  
 ' ever ; and by a Deed Poll the said *Thomas Burton* declared  
 ' that the Name of him the said *Thomas Burton* was used in the  
 ' said Indentures of Lease and Release in trust only for the  
 ' Commissioners of Excise for the Time being, by whom or by  
 ' whose Directions the Purchase Money of the said Messuages,  
 ' Tenements, and Range of Buildings was paid, and not by him  
 ' the said *Thomas Burton* ; and that he the said *Thomas Burton*,  
 ' his Heirs and Assigns, should and would stand and be seised  
 ' and possessed of and in the same in trust when thereunto  
 ' required by and at the Costs and Charges of the Commissioners  
 ' for the Time being, or the major Part of them, to assign the  
 ' same Messuages, Tenements, Hereditaments, and Premises, with  
 ' the Appurtenances, to such Person or Persons and for such  
 ' Estate and Estates, Interest and Interests, and in such Manner  
 ' and Form as the said Commissioners for the Time being or the  
 ' 15 & 16 Vict. G major

' major Part of them should at any Time thereafter direct or  
 ' appoint, and in the meantime to permit and suffer the said  
 ' Messuages or Tenements, Hereditaments, and Premises, with  
 ' the Appurtenances, to be holden and enjoyed by such Person  
 ' or Persons and in such Manner as the said Commissioners of  
 ' Excise for the Time being, or the major Part of them, might  
 ' order and direct: And whereas by an Indenture of Lease,  
 ' bearing Date the Second Day of *July* in the Year One thousand  
 ' eight hundred and thirty-five, and made between *John Clayton*  
 ' *Freeling*, the then Secretary of His then Majesty's Commis-  
 ' sioners of Excise, of the First Part; Sir *Francis Hastings*  
 ' *Doyle* Baronet, and *William Plunkett* and *Thomas Harrison*  
 ' Esquires, Two of the said Commissioners, of the Second Part;  
 ' *John Baring*, *George Carr Glynn*, *John Labouchere*, *Tho-*  
 ' *mas Masterman*, *John Abel Smith*, *Rees Goring Thomas*, and  
 ' *Andrew Henry Thompson*, therein severally described, of the  
 ' Third Part, a Portion of the Property comprised in the said  
 ' Indenture of Release, bearing Date the Ninth Day of *November*  
 ' One thousand eight hundred and twenty-two, together with a  
 ' Messuage or Tenement then lately erected and built thereon,  
 ' which said Premises are more particularly described on a Map  
 ' in the Margin of the said Indenture of Lease, was demised  
 ' to the said Parties of the Third Part, their Executors, Ad-  
 ' ministrators, and Assigns, from the Twenty-fifth Day of *March*  
 ' One thousand eight hundred and thirty-four, during Ninety-  
 ' eight Years thence next ensuing, yielding to the said *John*  
 ' *Clayton Freeling* and his Successors in the Office of Secretary  
 ' to the said Commissioners the annual Rent of Three hundred  
 ' and thirty Pounds: And whereas by an Act passed in the  
 ' Session of Parliament holden in the Twelfth Year of the Reign  
 ' of Her present Majesty, and intituled *An Act to consolidate the*  
 ' *Boards of Excise and Stamps and Taxes into One Board of*  
 ' *Commissioners of Inland Revenue, and to make Provision for*  
 ' *the Collection of such Revenue*, it is enacted, that from and after  
 ' the passing of that Act the several Persons then appointed and  
 ' being Commissioners of Excise and Commissioners of Stamps  
 ' and Taxes respectively, should, without any further Commis-  
 ' sion or Authority than that Act, become and be One consolidated  
 ' Board of Commissioners, and be called the "Commissioners of  
 ' Inland Revenue," and from thenceforth all the several Revenues,  
 ' Duties, Matters, and Things which at the Time of the passing of  
 ' that Act were collected by or were under the Care and Manage-  
 ' ment of the said Commissioners of Excise and of the said Com-  
 ' missioners of Stamps and Taxes respectively, should respectively  
 ' be collected by and should be under the Care and Management of  
 ' the Commissioners of Inland Revenue constituted by that Act,  
 ' or to be appointed as therein-after directed, in the same Manner  
 ' as such Revenues, Duties, Matters, and Things respectively had  
 ' theretofore been collected by or had been under the Care and  
 ' Management of the said Commissioners of Excise and of the  
 ' said Commissioners of Stamps and Taxes respectively, and that  
 ' all such Revenues and Duties should be denominated and be  
 ' deemed to be Inland Revenue: And whereas the Commissioners  
 ' of Inland Revenue are desirous of building Offices for carrying  
 ' on

12 &amp; 13 Vict. c. 1.

‘ on the Business of the Inland Revenue, and with that Object  
 ‘ an Agreement has been made between *John Thornton, Charles*  
 ‘ *Powlett Rushworth, and Charles Pressly, Esquires, Three of*  
 ‘ the Commissioners of Inland Revenue, of the First Part; Her  
 ‘ Most Gracious Majesty Queen *Victoria*, by and with the Advice  
 ‘ and Consent of the Chancellor and Council of Her Duchy of  
 ‘ *Lancaster*, of the Second Part; *Frederick Dawes Danvers*  
 ‘ Esquire, Clerk of the Council of Her Majesty’s said Duchy of  
 ‘ *Lancaster*, of the Third Part; and the Honourable *Charles*  
 ‘ *Alexander Gore* and the Right Honourable *Thomas Francis*  
 ‘ *Kennedy*, Two of the Commissioners of Her said Majesty’s  
 ‘ Woods, Forests, Land Revenues, Works, and Buildings, on  
 ‘ behalf of Her Majesty in right of Her Crown, with the Autho-  
 ‘ rity of the Commissioners of Her Majesty’s Treasury, as follows;  
 ‘ that is to say,

‘ “ Memorandum of Agreement made this Sixteenth Day of  
 ‘ “ October One thousand eight hundred and fifty-one, between  
 ‘ “ *John Thornton, Charles Powlett Rushworth, and Charles*  
 ‘ “ *Pressly, Esquires, Three of the Commissioners of Inland*  
 ‘ “ Revenue, acting under the Authority of an Act of Parliament  
 ‘ “ made and passed in the Seventh and Eighth Years of His late  
 ‘ “ Majesty King *George* the Fourth, Chapter Fifty-three, inti-  
 ‘ “ tuled *An Act to consolidate and amend the Laws relating to*  
 ‘ “ *the Collection and Management of the Revenue of Excise*  
 ‘ “ *throughout Great Britain and Ireland*, and of an Act of Par-  
 ‘ “ liament made and passed in the Twelfth and Thirteenth Years  
 ‘ “ of the Reign of Her present Majesty, Chapter One, intituled  
 ‘ “ *An Act to consolidate the Boards of Excise and Stamps and*  
 ‘ “ *Taxes into One Board of Commissioners of Inland Revenue,*  
 ‘ “ *and to make Provision for the Collection of such Revenue, of*  
 ‘ “ the First Part; Her Most Gracious Majesty Queen *Victoria,*  
 ‘ “ by and with the Advice and Consent of the Chancellor and  
 ‘ “ Council of Her Duchy of *Lancaster*, of the Second Part;  
 ‘ “ *Frederick Dawes Danvers* Esquire, Clerk of the Council of  
 ‘ “ Her Majesty’s said Duchy of *Lancaster*, of the Third Part;  
 ‘ “ and the Honourable *Charles Alexander Gore* and the Right  
 ‘ “ Honourable *Thomas Francis Kennedy*, Two of the Commis-  
 ‘ “ sioners of Her Majesty’s Woods, Forests, Land Revenues,  
 ‘ “ Works, and Buildings, on behalf of Her said Majesty in right  
 ‘ “ of Her Crown, with the Authority of the Commissioners of  
 ‘ “ Her Majesty’s Treasury, signified by a Warrant under their  
 ‘ “ Hands bearing Date the Twenty-seventh Day of *August* One  
 ‘ “ thousand eight hundred and fifty-one, and also under the Au-  
 ‘ “ thority of an Act of Parliament made and passed in the Tenth  
 ‘ “ Year of His late Majesty King *George* the Fourth, Chapter  
 ‘ “ Fifty, intituled *An Act to consolidate and amend the Laws*  
 ‘ “ *relating to the Management and Improvement of His Majesty’s*  
 ‘ “ *Woods, Forests, Parks, and Chases; of the Land Revenue of*  
 ‘ “ *the Crown within the Survey of the Exchequer in England;*  
 ‘ “ *and of the Land Revenue of the Crown in Ireland; and for*  
 ‘ “ *extending certain Provisions relating to the same to the Isles of*  
 ‘ “ *Man and Alderney*, and of another Act of the Session of Par-  
 ‘ “ liament holden in the Second and Third Years of King *William*  
 ‘ “ the Fourth, Chapter One, of the Fourth Part: Whereas all

7 &amp; 8 G.4. c.53.

12 &amp; 13 Vict. c.1.

10 G. 4. c. 50.

“ that Piece of Land or Area on the East Side of *Wellington*  
 “ *Street* leading from the *Strand* to *Waterloo Bridge*, lying  
 “ between the said *Street* and the Houses on the West Side of  
 “ *Somerset Place*, more particularly delineated and described  
 “ on the Plan drawn on the Back of the Second Skin of this  
 “ Agreement and coloured Brown on such Plan, and the Two  
 “ Southernmost Houses on the Eastern Side of *Wellington*  
 “ *Street* aforesaid, also delineated and described and respec-  
 “ tively coloured Pink and Green on the said Plan, are vested  
 “ in Her said Majesty in right of Her said Duchy in Fee  
 “ Simple, free from Incumbrances, except that the House  
 “ coloured Pink on the said Plan is subject to a certain Lease  
 “ dated the Fifth Day of *February* One thousand eight hundred  
 “ and twenty-three, and made between His late Majesty King  
 “ *George* the Fourth of the One Part, and *William Fenton*,  
 “ therein described, of the other Part, and the said House  
 “ coloured Green on the said Plan is subject to a certain Lease  
 “ dated the said Fifth Day of *February* One thousand eight  
 “ hundred and twenty-three, and made between His said late  
 “ Majesty of the One Part, and *John Mattocks*, therein de-  
 “ scribed, of the other Part: And whereas all and singular  
 “ the Vaults, Grounds, Soil, and Premises whatsoever, situate  
 “ under *Wellington Street* aforesaid, leading from the *Strand*  
 “ to *Waterloo Bridge*, and coloured Blue and Yellow on the  
 “ said Plan, are vested in the said *Frederick Daves Danvers*  
 “ in trust for Her said Majesty, Her Heirs and Successors, in  
 “ right of Her said Duchy, for all the Residue of the Term of  
 “ Ninety-nine Years, commencing from the Twenty-fifth Day of  
 “ *June* One thousand eight hundred and seventeen, and created  
 “ by Indenture dated the Tenth Day of *June* One thousand  
 “ eight hundred and nineteen, and made between the Company  
 “ of Proprietors of the *Waterloo Bridge* of the One Part, and  
 “ *Robert John Harper*, therein described, of the other Part,  
 “ subject nevertheless to the several Exceptions expressed in  
 “ the said Lease, and to the Payment of the annual Rent of  
 “ Three hundred and fifty Pounds, and to the Observance and  
 “ Performance of the Covenants, Conditions, and Agreements  
 “ therein contained and reserved; and subject also, as to the  
 “ Premises coloured Blue on the said Plan, to an Under-lease  
 “ thereof to the Commissioners for executing the Office of Lord  
 “ High Admiral for the Term of Thirty-one Years, commencing  
 “ from the Twenty-sixth Day of *March* One thousand eight  
 “ hundred and forty, and created by Indenture dated the said  
 “ Twenty-sixth Day of *March* One thousand eight hundred and  
 “ forty: And whereas Her said Majesty in right of Her said  
 “ Duchy is not entitled to the entire beneficial Interest in the  
 “ Freehold and Leasehold Hereditaments and Premises, the  
 “ legal Estate whereof is vested in Her and the said *Frederick*  
 “ *Daves Danvers* in trust as aforesaid, but Her Majesty, in  
 “ right of Her Crown as well as in right of Her said Duchy,  
 “ has a beneficial Interest in the said Freehold and Leasehold  
 “ Hereditaments and Premises; and the beneficial Interest of  
 “ Her Majesty, in right of Her Crown, and of Her said Majesty  
 “ in right of Her said Duchy, in the said Freehold and Leasehold  
 “ “ Here-

“ Hereditaments and Premises, is as 31,385 (the Proportion of  
 “ Her Majesty in right of Her Crown) to 103,054 (the Pro-  
 “ portion of Her Majesty in right of Her said Duchy): And  
 “ whereas the Commissioners of Inland Revenue desire to build  
 “ Offices for carrying on the Business of the Inland Revenue,  
 “ and with that Object have offered to purchase from Her  
 “ Majesty Her respective Interests in right of Her Crown and  
 “ Duchy in the Hereditaments and Premises coloured on the  
 “ said Plan Brown, Pink, Green, and Blue; and the Chancellor  
 “ and Council of Her Majesty’s Duchy of *Lancaster* in respect  
 “ of Her Majesty’s Rights, *juré Ducatus*, and the Commissioners  
 “ of Woods, Forests, and Land Revenues in respect of Her  
 “ Majesty’s Rights, *juré Coronæ*, are willing to sell such Rights  
 “ to the said Commissioners of Inland Revenue; but, inasmuch  
 “ as no Sale or Conveyance of any Part of the Possessions of  
 “ the said Duchy can be made without the Authority of an Act  
 “ of Parliament, an Act will be requisite to effectuate any Sale  
 “ or Conveyance to the Commissioners of Inland Revenue: And  
 “ whereas the Commissioners of Inland Revenue desire to com-  
 “ mence building without Delay; and to enable them so to do  
 “ the said several Parties hereto lately agreed that the said  
 “ Freehold and Leasehold Hereditaments and Premises coloured  
 “ as aforesaid on the said Plan should be at once surveyed and  
 “ valued by *Philip Hardwick*, a practical Surveyor and Archi-  
 “ tect, and that the said Commissioners of Inland Revenue should  
 “ then be allowed to take Possession of the said Freehold and  
 “ Leasehold Premises, but subject and without Prejudice to the  
 “ said Two Leases of the Fifth Day of *February* One thousand  
 “ eight hundred and twenty-three, and the said Under-lease of  
 “ the Twenty-sixth Day of *March* One thousand eight hundred  
 “ and forty, and subject to the Terms and Conditions contained  
 “ in the said Three Leases, and the said Under-lease, and in this  
 “ Agreement: And whereas, in pursuance of the said Agreement,  
 “ the said *Philip Hardwick* hath surveyed the said Freehold and  
 “ Leasehold Hereditaments and Premises proposed to be pur-  
 “ chased as aforesaid, and hath estimated the Value thereof at  
 “ the Sum of Six thousand six hundred and five Pounds, and  
 “ hath certified that the Sum of Five thousand and sixty-three  
 “ Pounds, Part thereof, is the Value of Her said Majesty’s  
 “ beneficial Interest in right of Her said Duchy in the said  
 “ Hereditaments and Premises, and the Sum of One thousand  
 “ five hundred and forty-two Pounds, the Residue thereof, is  
 “ the Value of Her Majesty’s said beneficial Interest in right of  
 “ Her Crown in the said Hereditaments and Premises; Now  
 “ the said *John Thornton*, *Charles Powlett Rushworth*, and  
 “ *Charles Pressly*, do hereby for themselves and their Successors  
 “ agree with Her said Majesty in right of Her said Duchy,  
 “ Her Heirs and Successors, and with the said *Frederick Dawes*  
 “ *Dawers*, his Executors, Administrators, and Assigns, and  
 “ with the said *Charles Alexander Gore* and *Thomas Francis*  
 “ *Kennedy*, as such Commissioners as aforesaid, in respect of  
 “ Her Majesty’s Interest *juré Coronæ*, that the Commissioners  
 “ of Inland Revenue, or their Successors, shall and will, on the  
 “ Execution of this Agreement, pay the said Sum of Six



“ thousand six hundred and five Pounds into the Bank of  
 “ Messrs. *Coutts* and Co., Bankers, and that the same when paid  
 “ in shall be invested in Exchequer Bills, to be held by the said  
 “ Messrs. *Coutts* and Co., in the Names and subject to the Con-  
 “ trol of the Chancellor for the Time being of Her Majesty’s  
 “ said Duchy of *Lancaster*, and the Commissioners for the Time  
 “ being of Her Majesty’s Woods, Forests, and Land Revenues,  
 “ until such Act shall be obtained, and such Conveyances and  
 “ Assignments or other Assurances executed as herein-after  
 “ provided, or until such Purchase Money shall be forfeited as  
 “ herein-after also provided; and further, that the Commissioners  
 “ of Inland Revenue, or their Successors, shall and will, within  
 “ Twelve Calendar Months from the Date of this Agreement,  
 “ apply for and obtain at their own Expense an Act of Par-  
 “ liament to authorize the Sale of the said Hereditaments and  
 “ Premises comprised in this Agreement, and coloured Brown,  
 “ Green, Pink, and Blue on the said Plan, and the Conveyance  
 “ and Assignment thereof respectively, to the Secretary for the  
 “ Time being of the Commissioners of Inland Revenue and his  
 “ Successors, in trust for Her said Majesty, Her Heirs and  
 “ Successors, for the Use and Service of the Inland Revenue,  
 “ and shall and will in the meantime pay to the Company of  
 “ Proprietors of the *Waterloo Bridge* the Sum of One hundred  
 “ and seventy-five Pounds, being the Moiety of the Rent reserved  
 “ by the said Indenture of Lease, dated the Tenth Day of *June*  
 “ One thousand eight hundred and nineteen, by equal half-yearly  
 “ Payments, on the Twenty-fourth Day of *June* and the Twenty-  
 “ fifth Day of *December* in every Year, the First Payment to be  
 “ made on the Twenty-fifth Day of *December* next, without any  
 “ Deduction whatsoever, and shall and will observe and perform  
 “ all the other Covenants, Conditions, and Agreements contained  
 “ in the said Indenture of Lease, and on the Lessees Part to be  
 “ observed and performed, and indemnify Her said Majesty,  
 “ Her Heirs and Successors, as well in right of Her said Duchy  
 “ as in right of Her Crown, from all Losses, Damages, Costs, or  
 “ Expenses which may arise to Her or them from any Breach  
 “ by or on the Part of the Commissioners of Inland Revenue,  
 “ their Successors or Assigns, of the Covenants, Conditions, or  
 “ Agreements contained in the said Lease, and shall and will, so  
 “ soon as the said Act of Parliament hath been passed and the  
 “ Conveyances and Assignments or other Assurances herein-  
 “ after referred to have been executed, execute such Deed of  
 “ Covenant as shall be tendered for that Purpose on behalf of  
 “ Her Majesty, both *jurè Coronæ* and *jurè Ducatus*, for the  
 “ Payment by the Commissioners of Inland Revenue, during  
 “ the Continuance of the Demise created by the said Indenture  
 “ of the Tenth Day of *June* One thousand eight hundred and  
 “ nineteen, to the Company of Proprietors of the *Waterloo*  
 “ *Bridge*, of the said Sum of One hundred and seventy-five  
 “ Pounds, at the Times and in manner aforesaid, and for the  
 “ Observance and Performance of the several other Covenants,  
 “ Conditions, and Agreements contained in the said Indenture  
 “ of Lease during the Continuance of the Demise thereby  
 “ created, and for Indemnity as aforesaid against all such Losses,  
 “ Damages,

“ Damages, Costs, or Expenses as aforesaid, by reason of any  
 “ Breach or Non-observance of such Covenants, Conditions, and  
 “ Agreements as aforesaid; and Her said Majesty, for Herself,  
 “ Her Heirs and Successors, in right of Her said Duchy, and  
 “ the said *Frederick Duwes Danvers*, for himself, his Executors,  
 “ Administrators, and Assigns, and the said *Charles Alexander*  
 “ *Gore and Thomas Francis Kennedy*, as such Commissioners  
 “ as aforesaid and on behalf of Her Majesty, *juré Coronæ*, do  
 “ hereby agree with the said *John Thornton, Charles Powlett*  
 “ *Rushworth, and Charles Pressly*, and their Successors, in  
 “ manner following, namely, that upon Payment of the said  
 “ Sum of Six thousand six hundred and five Pounds, in manner  
 “ aforesaid, the Commissioners of Inland Revenue and their  
 “ Successors shall be allowed to take possession of the said  
 “ Freehold and Leasehold Hereditaments and Premises, coloured  
 “ Brown, Pink, Green, and Blue on the said Plan, but subject to  
 “ such Leases and Under-leases as aforesaid; and that so soon  
 “ as the said Act of Parliament hath been obtained as afore-  
 “ said, all such Conveyances and Assignments or other As-  
 “ surances shall be executed as shall be necessary for effectually  
 “ vesting the said Hereditaments and Premises comprised in this  
 “ Agreement in the Secretary for the Time being of the Com-  
 “ missioners of Inland Revenue and his Successors in trust as  
 “ aforesaid; but as to the said Freehold Houses subject to such  
 “ Leases as aforesaid, and as to the said Leasehold Premises  
 “ subject to the Exceptions, Covenants, Conditions, and Agree-  
 “ ments contained in the said Lease dated the Tenth Day of  
 “ *June* One thousand eight hundred and nineteen, and also  
 “ the said Under-lease dated the Twenty-sixth of *March* One  
 “ thousand eight hundred and forty, and such Conveyances,  
 “ Assignments, or other Assurances to be at the Expense of  
 “ the said Commissioners of Inland Revenue; and it is hereby  
 “ agreed between all the Parties hereto, that so soon as such  
 “ Conveyances, Assignments, or other Assurances for vesting  
 “ the said Hereditaments and Premises in such Secretary as  
 “ aforesaid shall have been executed, the said Exchequer Bills,  
 “ with all Interest and Premiums, shall become the Property  
 “ of Her said Majesty, Her Heirs and Successors, in right of  
 “ Her said Duchy, and in right of Her Crown, according to  
 “ Her respective Interests in the said Hereditaments and  
 “ Premises and Purchase Money, and all Rents and Profits  
 “ which shall become due or payable from the Twenty-ninth  
 “ Day of *September* One thousand eight hundred and fifty-one,  
 “ for or in respect of the said purchased Premises, or any Part  
 “ thereof, shall be accounted for and paid over to the Receiver  
 “ General of Inland Revenue, and deemed to be Part of such  
 “ Revenue; and further, that if the Commissioners of Inland  
 “ Revenue shall fail to obtain such Act of Parliament as  
 “ aforesaid, within such Period as aforesaid, then and in that  
 “ Case the said Exchequer Bills, with all Interest and Premiums,  
 “ shall become the absolute Property of Her said Majesty, Her  
 “ Heirs and Successors, in right of Her said Duchy, and in right  
 “ of Her Crown, according to Her respective Interests in the  
 “ said Freehold and Leasehold Hereditaments and Premises.”

‘And whereas Her Majesty, in right of Her Crown and in right of Her Duchy respectively, is entitled to the beneficial Interest in the Hereditaments and Premises comprised in the said Agreement, and as between the Crown and the Duchy She is so entitled in the Proportions in the said Agreement mentioned: And whereas the Sum of Five thousand and sixty-three Pounds is the Value of Her Majesty’s beneficial Interest in right of Her said Duchy in the said Hereditaments and Premises, and the Sum of One thousand five hundred and forty-two Pounds, the Residue thereof, is the Value of Her Majesty’s beneficial Interest in right of Her Crown in the said Hereditaments and Premises: And whereas the Commissioners of Inland Revenue have, in pursuance of the said Agreement, paid the Sum of Six thousand six hundred and five Pounds into the Bank of Messrs. *Coutts* and Co., Bankers, and the same has since been invested in Exchequer Bills, and is now in the Names and subject to the Control of the Chancellor for the Time being of Her Majesty’s said Duchy of *Lancaster* and the Commissioners for the Time being of Her Majesty’s Woods, Forests, and Land Revenues: And whereas the Property so vested in and annexed to the Imperial Crown of this Realm by the said Act passed in the Eighth Year of His late Majesty King *George* the Third, and the Property comprised in the said Indentures of Release respectively dated the Twenty-second Day of *December* One thousand seven hundred and ninety-six, and the Ninth Day of *November* One thousand eight hundred and twenty-two, will not be required for the Purposes of the said Commissioners of Inland Revenue, after the Erection of the said Chief Office on the Site comprised in the said Agreement; and it is expedient that such Commissioners should have Power to dispose thereof: And whereas Her Majesty has been graciously pleased to signify Her Consent and Desire that the said Agreement should be carried into effect in manner herein-after provided, and that the said Commissioners of Inland Revenue should have Power to dispose of such last-mentioned Property in manner herein-after mentioned:’ May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:—

Recited Agreement for Sale of Duchy Property confirmed, and such Property vested in the Secretary of the Commissioners of Inland Revenue.

I. The said Sale of the said Hereditaments and Premises comprised in the said Agreement, bearing Date the Sixteenth Day of *October* One thousand eight hundred and fifty-one, and coloured Brown, Green, Pink, and Blue on the Plan therein mentioned and referred to, shall be and is hereby confirmed, and the same Hereditaments and Premises shall be and the same are for all the legal and beneficial Estate and Interest of Her Majesty, as well in right of Her Crown as of Her said Duchy in the same, hereby vested in the Secretary for the Time being of the Commissioners of Inland Revenue, to hold the same to himself and his Successors in Office for ever as a Corporation Sole (subject, nevertheless, as in the said Agreement mentioned and in trust for Her Majesty, Her Heirs and Successors,) for the Use and Service of the Inland Revenue.

II. The

II. The Chancellor of the Duchy of *Lancaster* for the Time being and the Commissioners for Her Majesty's Woods, Forests, and Land Revenues for the Time being shall forthwith cause to be sold the said Exchequer Bills so deposited with Messrs. *Coutts and Company* as herein-before stated, and shall apportion the Produce thereof, and any Interest thereon, in the Proportions of Five thousand and sixty-three Pounds and One thousand five hundred and forty-two Pounds; that is to say, Five thousand and sixty-three Pounds for and in respect of Her Majesty's beneficial Interest in right of Her said Duchy in the said Hereditaments and Premises, and One thousand five hundred and forty-two Pounds for and in respect of Her Majesty's beneficial Interest in right of Her Crown in the same Hereditaments and Premises; and what shall be so apportioned in right of the said Duchy shall be paid into the Hands of the Receiver General of the Revenues of the said Duchy, and an Acquittance or Receipt thereupon given by him for the same; and the same shall be laid out, invested, and dealt with, and the Interest, Dividends, and Income arising therefrom shall be from Time to Time received, accounted for, applied, and appropriated in like Manner in all respects as by an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act to improve the Land Revenue of the Crown in England, and also of His Majesty's Duchy of Lancaster*, is provided with respect to the Purchase Monies to arise by Sales made of Property belonging to the said Duchy under the Authority of such last-mentioned Act; and what shall be so apportioned in right of the Crown on account of the Proceeds of the Sale of the said Exchequer Bills shall be retained by the Commissioners for Her Majesty's Woods, Forests, and Land Revenues for the Time being, and shall be dealt with, accounted for, and applied in like Manner in all respects as if the same were Purchase Monies arising from the Sale of Part of the Possessions and Land Revenues of the Crown, sold and disposed of by them the said Commissioners, under the Authority of the Thirty-fourth Section of an Act passed in the Tenth Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act to consolidate and amend the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, Parks, and Chases; of the Land Revenue of the Crown within the Survey of the Exchequer in England; and of the Land Revenue of the Crown in Ireland; and for extending certain Provisions relating to the same to the Isles of Man and Alderney*, and all Interest on the Exchequer Bills which may be apportioned in right of the Crown shall be applied by the same Commissioners in the Mode provided by the One hundred and thirteenth Section of the said last-recited Act.

Exchequer Bills deposited for the Purchase Money to be sold and the Produce to be appropriated.

48 G. 3. c. 73.

10 G. 4. c. 50.

III. The Commissioners of Inland Revenue and their Successors for the Time being shall, out of the same Revenue, from Time to Time pay to the Company of Proprietors of the *Waterloo Bridge*, during the Continuance of the Demise created by the said Indenture of the Tenth Day of *June* One thousand eight hundred and nineteen, the annual Sum of One hundred and seventy-five Pounds, being the Moiety of the Rent reserved by the same Indenture of Lease, by equal half-yearly Payments, *videlicet*, on the Twenty-fourth

Commissioners of Inland Revenue to pay a Moiety of the Rent reserved under a Lease from the *Waterloo Bridge Company*.

fourth Day of *June* and the Twenty-fifth Day of *December* in every Year, without any Deduction whatsoever, and shall and will observe and perform all the Covenants, Conditions, and Agreements contained in the said Indenture of Lease, and on the Lessees Part to be observed and performed, and shall and will indemnify Her Majesty, Her Heirs and Successors, as well in right of Her said Duchy as in right of Her Crown, from all Losses, Damages, Costs, or Expenses which may arise to Her or them, for or by reason of the Nonpayment of such Moiety of the said Rent, or for and by reason of any Breach by or on the Part of the Commissioners of Inland Revenue, their Successors or Assigns, of the Covenants, Conditions, or Agreements contained in the said Lease, which has happened at any Time since the Sixteenth Day of *October* One thousand eight hundred and fifty-one, or which shall at any Time hereafter happen.

Property vested in the Crown by 8 G. 3. c. 32. to be vested in the Secretary of Inland Revenue.

IV. The Property so vested in and annexed to the Imperial Crown of the Realm by the said Act passed in the Eighth Year of His late Majesty King *George* the Third, and also the Property comprised in the said Indentures of Release respectively, dated the Twenty-second Day of *December* One thousand seven hundred and ninety-six, and the Ninth Day of *November* One thousand eight hundred and twenty-two, shall be and the same are hereby vested in the Secretary for the Time being of the Commissioners of Inland Revenue and his Successors.

For the Purposes mentioned in 7 & 8 G. 4. c. 53.

V. All the Property hereby vested in the Secretary of the said Commissioners of Inland Revenue shall be vested in and held by him and his Successors in such and the same Manner and for the same Purposes, and shall and may be managed, dealt with, let, set, demised, sold, and disposed of as if the same had been vested in the Secretary of Excise for the Time being and his Successors, under and by virtue of the Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Collection and Management of the Revenue of Excise throughout Great Britain and Ireland*: Provided always, that the said Lease, dated the said Second Day of *July* One thousand eight hundred and thirty-five, shall not be prejudiced or affected, and the same shall be as valid and effectual to all Intents, and shall take effect, as if the Property thereby demised had then been duly vested in the said *John Clayton Freeling* (as the then Secretary of Excise), under and by virtue of the said last-mentioned Act.

## C A P. XLI

An Act to provide a Burial Ground for the Township of *Huddersfield* in the County of *York*. [30th *June* 1852.]

‘ WHEREAS the General Board of Health appointed under and by virtue of the Public Health Act, 1848, have, in pursuance of the Provisions of the Nuisances Removal and Diseases Prevention Amendment Act, 1849, caused Inquiry to be made by *William Lee*, One of their Superintending Inspectors appointed under and by virtue of the said Public Health Act, into the State of the Burial Grounds in the Township of *Huddersfield*

*Huddersfield* in the Parish of *Huddersfield* in the County of *York*, being a populous Place in *England* to which the Public Health Act, 1848, has not been applied: And whereas, upon such Inquiry, it having appeared to the said General Board that the State of the Burial Grounds in the said Township of *Huddersfield* is dangerous, and the Circumstances of that Township render it expedient that Interments should be prohibited in the said Township, except as herein-after mentioned, and that a Burial Ground should be provided for the said Township, the said General Board directed the said *William Lee*, as such Superintending Inspector as aforesaid, to make Inquiry, in the Manner directed by the said Public Health Act, or as near thereto as Circumstances would permit, into all the Circumstances connected with the parochial and other Burial Grounds of that Township, and as to the Place or Places in which any Burial Ground or Burial Grounds might be provided, either within or beyond the Limits of that Township, and as to the Means which might be provided for the Conveyance of Bodies for Interment, and any other Arrangements which might be practicable for facilitating the convenient Interment of Bodies in the Burial Ground or Burial Grounds to be so provided, and as to the Rights in any Burial Ground in such Township, not being a Parochial Burial Ground, which might be affected by the Prohibition of Interment in such Township: And whereas the said Superintending Inspector, having previously given the Notices directed by the Public Health Act, 1848, proceeded upon the said Inquiry in the Manner directed by the said Act, and hath reported in Writing, as directed by the said General Board of Health, the Result of his Inquiries in relation to the Premises: And whereas the said General Board of Health hath caused a Copy of such Report to be transmitted to the Bishop of the Diocese of *Ripon*, in which the said Township is situated, and hath caused Copies thereof to be published in the Township to which it relates, and to be deposited with the Minister and with the Churchwardens of such Township, such Copies being accompanied by a Notice, stating that written Statements might be forwarded to the said Board with respect to any Matter contained in or omitted from the said Report, or any Amendment to be made therein, within a Time therein limited, not being less than One Month from the Publication of such Report; and all such Statements as have been delivered to the said Board within the Time so limited in such Notice have been duly received by the said Board: And whereas, after such Inquiry and Report, the said General Board have framed a Scheme, under the Powers of the said Nuisances Removal and Diseases Prevention Amendment Act, 1849, for providing a Burial Ground for the said Township, and for and in respect of the other Matters relating to Burials in the said Township as to which the said General Board are empowered by the said Act to frame a Scheme: And whereas all the Provisions set forth in such Scheme concerning the Consecration of the Burial Ground to be provided under the Power of the same, and concerning the Burial of Members of the United Church of *England* and *Ireland*, and the Compensation to be provided for Rights in respect to

‘ to Burials and other Rights of Ministers of the said United Church which may be affected by the Prohibition of Interment in parochial and other Grounds, have been approved by the Bishop of the Diocese of *Ripon*, in which the said Township is situated : And whereas the said Scheme was forthwith after the framing thereof presented to both Houses of Parliament with the Reports of the Superintending Inspectors in relation to the Matters thereof : And whereas it is expedient that the Authority of Parliament should be given to the Establishment of the said Burial Ground, and the Regulation thereof :’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Huddersfield Improvement Commissioners to execute the Act.

I. That the Commissioners for the Time being acting in execution of the “*Huddersfield Improvement Act, 1848*,” shall act in execution of this Act ; and all Powers vested in the Commissioners under this Act may be exercised by Seven or more of the Commissioners present at any Meeting holden in pursuance of this Act ; and no Business shall be transacted at any of the said Meetings unless the said Number of Commissioners be present.

Boundaries of the Township to be Limits of Scheme.

II. That the Boundaries of the Township of *Huddersfield* shall be the Limits within which this Act shall be in force.

Commissioners may provide Offices.

III. That the said Commissioners shall provide such Offices as they may think necessary for the Purposes of this Act, and for providing such Offices may purchase by Agreement, or take on Lease, any Lands which may appear to them convenient for the same, and for that Purpose and the other Purposes of the Act may enter into all necessary Contracts ; and all Conveyances and Leases of Lands to be purchased or hired by the Commissioners may be made to any Five of the Commissioners, on behalf of all the Commissioners ; and the Execution of the Duplicate or Counterpart of any Lease by such Five Commissioners shall be binding on all the Commissioners.

Commissioners may appoint Officers, &c.

IV. That the said Commissioners may from Time to Time appoint or employ, for the Purposes of this Act, a Registrar, a Treasurer, and an Auditor, with such Clerks and Officers, and, on any Burial Ground to be provided by the said Commissioners under this Act, such Superintendent, Gravediggers, and other Servants, as they deem necessary, and may remove such Registrar, Treasurer, Auditor, Clerks, Officers, Superintendent, Gravediggers, and Servants, or any of them, and may pay to all Persons so appointed or employed, out of any Monies to be received under this Act, such Salary or Stipend as may appear to such Commissioners sufficient, and may remove such Officers at their Pleasure, and may take sufficient Securities for their duly accounting for all Monies to be received by reason of such Employment from all such Officers as will or may, in consequence of their Offices, be intrusted with the Custody or Control of Money.

Commissioners may provide Burial Grounds, One Half of

V. That the said Commissioners may purchase, enclose, plant, embellish, and lay out for the Purposes of a Burial Ground the Piece or Parcel of Ground particularly described and set forth in the Schedule to this Act annexed, and may erect and make therein such

such Buildings and other Works as may appear to them fitting and proper, and may build in such Burial Ground a suitable Chapel for the Performance of Burial Service according to the Rites of the United Church of *England and Ireland*; and such Chapel and One Half of such Burial Ground shall be consecrated by the Lord Bishop of the Diocese within which the said Chapel is situated; and such Chapel, and the Part of such Burial Ground so consecrated, shall be subject to the Jurisdiction of the said Bishop, and no Service shall be performed on the Burial of the Dead in the Part of such Burial Ground so consecrated as aforesaid otherwise than according to the Rites of the said Church: Provided always, that it shall not be lawful for the said Commissioners to make or erect such Burial Ground, Buildings, Chapel, and Works as aforesaid or any Part thereof within Three hundred Yards of any House of the annual Value of Fifty Pounds, or having a Plantation or ornamental Garden or Pleasure Ground occupied therewith, except with the Consent of the Owner, Lessee, and Occupier thereof, in Writing first had and obtained; provided also, that the rateable Value, according to the present Assessment to the Rate for the Relief of the Poor in and for the said Township of *Huddersfield*, of any such House as aforesaid, shall be deemed and taken to represent the true annual Value thereof for the Purposes of this Act.

VI. That the Vicar of *Huddersfield* for the Time being shall from Time to Time appoint a fit and competent Person to perform the Duties usually performed by Parish Clerks in the Burial of the Dead in the Part of the said Burial Ground so consecrated as aforesaid.

Vicar of Huddersfield for Time being to appoint Clerk.

VII. That the said Commissioners may build on the unconsecrated Portion of such Burial Ground a suitable Chapel for the Performance of Funeral Service, and that such unconsecrated Portion shall, subject to the Provisions herein contained, and any Regulations made by the said Commissioners by virtue of this Act, be used for the Interment of Bodies, when the Relatives or other Persons having the Care and Direction of the Funerals desire to have such Bodies so interred, and such Bodies may be there interred in such Manner, and with such Religious Service, Rites, or Ceremonies, as such Relatives or Persons having the Care and Direction of the Funerals may think fit; and the said Commissioners may, upon the Request of Members of separate Religious Denominations, and upon such Terms and Conditions, not inconsistent with the known Tenets or Usages of such Religious Denominations, as the said Commissioners may think fit, permanently appropriate and set apart or cause to be enclosed separate Parts of the Portion of the said Burial Ground not consecrated as aforesaid, to be used for the exclusive Interment of the Bodies of Persons of such separate Religious Denomination.

One Half of such Burial Ground to be unconsecrated.

VIII. That when the said Commissioners have provided the said Burial Ground, and have made all such Arrangements as they may think necessary for the Interment of the Bodies of the Dead in such Ground, and after the Consecration of the One Half thereof as aforesaid, they shall give Notice for Two successive Weeks in some One or more Newspaper circulating in the Township of *Huddersfield*, and by Notices affixed for the same Time

Commissioners may give Notice when Interments may be made in such Ground.



Time on the Doors of all the Churches and Chapels within the Township, that they have provided such Burial Ground, and that Interment may be made therein, and after the Expiration of such Time Interments may be made in the said Burial Ground.

Burials to cease wholly or in part in certain Grounds after such Notice.

IX. That from and after the Expiration of the Time of such Notices as aforesaid Interments shall wholly cease and be discontinued in the Ground attached there to the Roman Catholic Chapel situate in the *New North Road* in the said Township, and in the Vault now used for Burials under the Wesleyan Chapel situate in *Queen Street* in the said Township; and that from and after the same Time Interments shall, subject to such Exceptions as herein-after mentioned, also cease and be discontinued in the Burial Grounds respectively attached to or connected with the Church of *St. Peter*, being the Parish Church of the said Township, the District Churches called the Churches of the *Holy Trinity* in the *Trinity* District, and *All Saints* Church in the *All Saints* or *Paddock* District of the said Township, and in the Chapel of Ease called *St. Paul's*, situate in *Ramsden Street* in the said Township, and also in the Vaults of such Churches or Chapels; and whosoever, after the Expiration of such Time, buries, or causes, permits, or suffers to be buried, in or under any such Burial Ground, Church, or Chapel respectively, any Corpse or Coffin, contrary to this Provision, shall for every such Offence be liable to a Penalty of Fifty Pounds, to be recovered in a summary Manner.

Burials may be prohibited in other Grounds in the said Township.

X. That when the said Commissioners shall be of opinion that Interment (otherwise than in the said Burial Ground) should be discontinued wholly, or with any Exception or Exceptions, in the said Township, they shall make and publish an Order directing that after a Time mentioned therein Interment in such of the Churches, Chapels, Churchyards, and other Places used for Burial within the said Township as shall be set forth in such Order shall be discontinued, either wholly or subject to any Exception mentioned in such Order, and to be previously approved by the General Board of Health; and such Order shall be published for Two successive Weeks in some One or more Newspapers circulating within the said Township, and shall during the same Time be affixed on the Doors of the Churches and Chapels in the said Township; and from and after the Date mentioned in such Order Interments in the Churches, Chapels, Churchyards, and other Places used for Burial mentioned therein shall be discontinued, either wholly or subject to any Exception contained in such Order, and approved as aforesaid; and every Person who shall after such Date bury any Body, or in anywise act or assist in the Burial of any Body, in any Church, Chapel, Churchyard, or other Place used for Burial within such Township, except as in such Order excepted, and except in the Burial Ground provided under the Powers of this Act, and except as authorized by this Act, shall be liable to such Penalty as aforesaid.

Licence may be granted for Exercise of exclusive Rights already acquired.

XI. Provided always, That where by virtue of any Faculty legally granted, or by Usage, or otherwise, there is at the Date of the passing of this Act any Right of Interment in or under any Church or Chapel, or in any Vault of any Church, Chapel, Churchyard, or Place used for Burial in the said Township, and where  
any

any exclusive Right of Interment in any Burial Ground within the said Township has been purchased or acquired before the said Date, the said Commissioners may from Time to Time, on Application being made to them, and on their being satisfied that the Exercise of such Right will not be injurious to Health, grant a Licence for the Exercise of such Rights during such Time and subject to such Conditions and Restrictions as the said Commissioners may think fit; but such Licence shall not prejudice or in anywise affect the Authority of the Ordinary, or of any other Person who, if this Act had not been passed, might have prohibited or controlled Interment under such Right, nor dispense with any Consent which would have been required, nor otherwise give to such Right any greater Force or Effect than the same would have had if this Act had not been passed.

XII. That, subject to the Provisions of this Act, the Inhabitants of the said Township shall have the same or equivalent Rights of Sepulture in the Burial Ground to be provided under this Act as they respectively would have had in or under any of the Churches, Chapels, Churchyards, or Places of Burial in which Interment shall be discontinued under the Powers of this Act; and the Incumbent of any District Church within the said Township shall, on the Request of the Relatives of the Deceased, by himself or his Curate, on giving such Notice as the said Commissioners by their Regulations may require, have the same Rights and Authorities for the Performance of Religious Service in the Burial of Bodies of Inhabitants of such District in the consecrated Portion of the Burial Ground to be provided under this Act, as if the same were the Burial Ground of such District; and for the Purposes of the Enactments of the Laws relating to the Poor which concern the Burial of the Bodies of poor Persons, and of all other Enactments under which Burials are authorized or directed to take place in the Burial Ground of a Parish, the consecrated Part of the Burial Ground to be provided under this Act shall, for the Burial of the Bodies of Persons dying within the said Township of *Huddersfield*, be deemed to be the Burial Ground belonging to the said Parish.

Inhabitants to have same Rights in new Ground as in Grounds where Interments are discontinued.

XIII. That the Relatives of any deceased Person, with the Consent of the Incumbent or other Person having the Care and Control of any Church, Chapel, Churchyard, or other Place of Burial within the said Township in which the Body of such deceased Person has been interred, and with the Consent of and subject to the Regulations of the said Commissioners, and upon Payment of such Fees as may be fixed by the said Commissioners, may cause such Body to be removed to and interred in the Burial Ground to be provided under this Act, without any Faculty for that Purpose.

Bodies may be removed by Permission.

XIV. That the Registrar or other Officer appointed by the said Commissioners for such Purpose shall select the Site of Graves within the Burial Ground to be provided under this Act; and the said Commissioners shall, for the Purpose of such Selection, prepare or cause to be prepared, a Plan of such Burial Ground, in which shall be marked from Time to Time every Site so selected, and a Copy of such Plan shall be kept by the said Commissioners, and every such Site shall be numbered on such Plan, and

Officer of Commissioners to select Site of Grave, and keep Plan and Register, &c.

and registered by the same Number in a Register to be kept by the said Registrar, and under such Number in such Register shall be entered the Name, Sex, and Age of the Person interred therein, the Date of the Interment, and the Depth of the Grave, and the Date and Place of Burial of every still-born Child shall be entered in such Register, with the Name of the Parent or Parents of the same; and such Register shall be kept by the said Registrar according to the Laws in force by which Registers are required to be kept by the Rectors, Vicars, or Curates of Parishes or Ecclesiastical Districts in *England*; and such Registers shall be kept or indexed so as to facilitate Searches for Entries in such Books; and such Registers, or Copies or Extracts therefrom, shall be received in all legal Proceedings as Evidence of the Burials entered therein; and such Registers, so far as respects Searches to be made therein, and Copies and Extracts to be taken therefrom, shall be subject to the same Regulations as are provided by an Act passed in the Seventh Year of King *William* the Fourth, intituled *An Act for registering Births, Deaths, and Marriages in England*, so far as such Regulations relate to Register Books of Burials kept by any Rector, Vicar, or Curate; and no Vicar, Incumbent, or Curate for the Time being of any Church or Chapel within the said Township in which, or in the Burial Ground attached to which, Interments shall be discontinued in whole or in part under this Act, shall, in respect of any Body interred in the Burial Ground to be provided under this Act, be liable to any Penalty in respect of Registration under the herein-before recited Act.

6 & 7 W. 4. c. 86.

Certificate of Registry of Death, or Coroner's Certificate, to be delivered to Officer appointed to keep Burial Registers.

XV. That where the Body of any Person is buried in the Burial Ground to be provided under this Act the Certificate of the Death of such Person having been duly registered, or the Coroner's Certificate of his Order for the Burial of the Body of such Person, (as the Case may be,) by the said Act of the Seventh Year of King *William* the Fourth required to be delivered to such Minister or officiating Person as therein mentioned, shall be delivered to the Registrar appointed to keep the Register Books of Burials in such Burial Ground; and if any Body is buried in such Burial Ground for which no such Certificate has been delivered to such Registrar, he shall, within Seven Days next after the Burial of such Body, give Notice of such Burial to the Registrar of the District in which the Person whose Body was so buried died; and every such Notice shall contain the Name and Surname, Sex, Age, Rank, Profession, or Occupation, and the Residence at the Time of Death of the said Person, or as many of such Particulars as may be known to the Registrar of such Burial Ground; and upon Failure to give such Notice within the Time aforesaid the Person so offending shall be subject to the Forfeiture imposed by the said Act on a Person burying or performing any Funeral or any Religious Service for the Burial of any dead Body for which no such Certificate has been duly made and delivered, and not giving Notice thereof as thereby required; and the Provisions of the said Act for and with respect to the Recovery and Application of Forfeitures thereby imposed shall be applicable to such Forfeiture; and no Person, save the Registrar of such Burial Ground, shall, in the Case of any Burial in such Burial Ground, be subject

to such Forfeiture for not giving Notice of such Burial to the Registrar.

XVI. That no Grave shall be dug in the Burial Ground to be provided under this Act of more than Nine or less than Seven Feet in Depth; and no more than One Body shall be interred in any One such Grave, except where more than One Member of the same Family is to be buried at One and the same Time, in which Case such Grave shall be dug so wide that the Coffins containing the Bodies of the deceased Members of the same Family may be placed Side by Side, but no such Coffins shall be placed One above the other; and no Grave in the said Burial Ground shall be re-opened until Twenty Years shall have elapsed from the original opening of the same, and from and after such Time the said Ground may be re-opened for Burials as herein provided.

XVII. That the said Commissioners may, if they shall think fit, at any Time after the Date of the passing of this Act, build or otherwise provide, in such Place as they think fit, a House for the Reception and Care of the Bodies of the Dead previously to and until Interment, and make Arrangements for the Reception and Care of such Bodies therein, and appoint a fit Officer for such House of Reception; and to carry into effect such Arrangements, and for providing such Houses of Reception, the said Commissioners may purchase by Agreement or take on Lease such Lands or Buildings as they may think fit.

XVIII. That for securing, in the Cases of Interments in the Burial Ground provided under this Act, to Persons having the Care and Conduct of Funerals, the Means of having the same conducted according to a just and regulated Scale of Charges, the said Commissioners may, if they shall think fit, provide a public Hearse or Hearses for the Conveyance of Bodies to Burial, and may provide and keep or hire and contract for the Use of Horses for drawing the same, and may from Time to Time invite and receive Tenders for Contracts for the undertaking of such Funerals, according to Classes arranged with reference to the Nature and Amount of the Matters and Services to be furnished and rendered, but so that in respect of the lowest of such Classes the Funeral may be conducted with Decency and Solemnity; and every such Tender shall specify the Class or Classes and Number of Funerals the Person proposing to become a Contractor is willing to undertake; and the said Commissioners may enter into such Contracts with any Persons as they may think necessary, binding such Contractors with the said Commissioners to undertake during specified Terms or Periods Funerals of Persons, or any Class or Number of such Funerals, according to a fixed Scale of Payments, and with such Stipulations as may appear to the said Commissioners necessary for ensuring the decent Performance of such Funerals; and the said Commissioners may, if they so think fit, enter into distinct Contracts for the furnishing and rendering by different Contractors of the various Matters and Services requisite for the Funerals in relation to which the said Commissioners are hereinbefore authorized to enter into Contracts; and the said Commissioners shall publish Notices of the Scale of Payments to be made for Funerals undertaken, or Matters or Services to be furnished or rendered, by such Contractors, and such other Notices as the

Depth of  
Graves, &c.

Commissioners  
may provide a  
House for Re-  
ception and Care  
of Bodies pre-  
viously to In-  
terment.

Commissioners  
may make Pro-  
vision for  
Funerals being  
conducted at  
fixed Charges.

said Commissioners may think fit, for the Information and Convenience of Persons desirous of having Funerals conducted by such Contractors; and upon Notice by or on behalf of the Persons having the Care and Direction of any such Funeral of their Desire to have the same conducted, or any Matters or Services requisite for the same furnished or rendered as aforesaid, and of the Class according to which they are desirous the same should be so conducted, furnished, or rendered, being given to any Contractor who, according to the Terms of his Contract with the said Commissioners, may be liable to undertake such Funeral, or to furnish or render such Matters or Services, such Contractor, and the Party by or on behalf of whom such Notice may be given, shall respectively have the like Rights and be subject to the like Liabilities in respect to the Performance of such Funeral, or the furnishing or rendering of such Matters or Services, (as the Case may be,) and the Payment for the same, as if such Contractor had agreed with such Party to undertake the Funeral referred to in such Notice, and to furnish and render all such Matters and Services, and of such Nature and Description, as by the Scale fixed by his Contract with the said Commissioners shall be prescribed in this Behalf in respect of the Class mentioned or referred to in such Notice, or (as the Case may be) to furnish or render the Matters or Services required by such Notice according to such Scale, in consideration of Payment according to such Scale.

Hearses, &c. to  
be Toll-free.

XIX. That Hearses, Carriages, and Horses employed in conveying the Dead or Mourners from any Part of the Township of *Huddersfield* to the Burial Ground to be provided under this Act shall be free from Toll on any Turnpike Road within the said Township.

Commissioners  
may fix Scale  
of Charges.

XX. That the said Commissioners may fix a Scale of Charges for the Purchase of Vaults and Graves in the Burial Ground to be purchased under this Act, and of Fees for Tombs, Tombstones, Gravedigging, and the opening of Vaults and Graves, Registration, the Performance of Burial Rites, and for the Use of all Matters and Things pertaining to the Conduct of Funerals; and a Table of such Scale of Charges and Fees shall be published, and hung up in a conspicuous Place in the Office of such Commissioners and in some Part of such Burial Ground; but no such Table shall be so published or shall have any Force or Effect until the same shall have been approved by the General Board of Health; and in every such Scale of Charges the total Amount of Payments regularly charged in respect of Burials in the consecrated and unconsecrated Parts of such Burial Ground shall be the same, and such Charges shall be recoverable in a summary Manner.

Sections of  
Cemeteries  
Clauses Act  
incorporated  
herewith.

XXI. That the Sections of the Cemeteries Clauses Act, 1849, numbered respectively in the Copies of that Act printed by Her Majesty's Printers 9 with respect to the Disposal of consecrated Land, 12 to 22 inclusive with respect to Roads, Fences, and Repairs, and with respect to making Sewers and Drains, and the preventing of Nuisances, 38 to 56 inclusive with respect to Regulations for Burials, and with respect to exclusive Rights of Burial and monumental Inscriptions, and with respect to Payments to Incumbents, shall be incorporated with this Act and the Act of Parliament sanctioning the same; and the Expression "the Special Act,"

Act," used in such Sections, shall be construed to mean this Act; and the Expression "the Company," used in the said Sections, shall mean the said Commissioners.

XXII. That if, in the Exercise of the Powers conferred upon the said Commissioners by this Act, any Party shall become entitled to Compensation for any Damage sustained through the Exercise of such Powers, other than Compensation to Persons interested in Burial Grounds that may be partially or wholly closed by or under the Powers of this Act, then the Amount of Compensation shall be ascertained and recovered in a summary Manner.

XXIII. Provided always, That no Regulations made under and by virtue of the said Thirty-eighth Clause of the said Cemeteries Clauses Act shall be of Force and Effect until they have been approved by the said General Board of Health, under their Hands and Official Seal.

XXIV. That the Vicar of *Huddersfield* for the Time being shall be entitled to a Fee of One Shilling and Ninepence for each Interment in the consecrated Part of the Burial Ground to be provided under this Act; and that in consideration of such Fee he shall be responsible for the Performance of the Service for the Burial of the Dead as aforesaid, either by himself or his Curate, or some Clerk in Holy Orders to be provided by him, and shall and may, as heretofore, fix the Hour for such Interment; and in every Case where such Service, by Default of the said Vicar, shall not be so performed by the said Vicar or his Curate, or some Clerk in Holy Orders so provided by him, but shall be performed by any Clergyman of the United Church of *England and Ireland* provided by such Commissioners, the said Sum of One Shilling and Ninepence shall be paid to the said Clergyman so provided by the said Commissioners, and shall be deducted from the Sum total of Payments to be made to the said Vicar by the said Commissioners: Provided always, that no such Deduction shall be made where the said Burial Service shall be performed by any Clergyman of the United Church of *England and Ireland*, other than the said Vicar, at the Request of the Relatives or other Persons having the Direction of any Funeral, or in respect of any Body removed for Interment from any Ecclesiastical District within the said Township over which the said Service shall, at such Request as aforesaid, have been performed by the Incumbent of such District for the Time being, or his Curate, or any Clerk in Holy Orders provided by him, on giving such Notice as may be required by the Regulations of the said Commissioners; and whenever such Service shall be performed by such Incumbent or his Curate, or any Clerk in Holy Orders so provided by him, a Fee of One Shilling and Ninepence shall be payable to such Incumbent, in addition to the Fee payable as herein provided to the Vicar of the said Township.

XXV. That on every Interment in the unconsecrated Part of the said Ground the Sum of One Shilling and Ninepence shall be paid as a Minister's Fee, and shall be paid to the Fees Account of the said Commissioners, who shall appoint a Minister or other fit and proper Person for the Performance of such Burial Service as shall be required for any such Interment; and that it shall be lawful for the said Commissioners, on the Request of the Relatives

If Parties become entitled to Compensation, the Amount to be ascertained and recovered summarily.

Regulations to be approved by General Board of Health.

Fees for Performance of Burial Service in consecrated Part of Ground.

Interment Fees in unconsecrated Ground.

Fee, at Request of Relatives, to be paid when

Service performed in unconsecrated Ground.

or other Persons having the Care and Direction of the Funeral, to pay to any Minister or Person not appointed by such Commissioners performing Religious Rites or Service, on the Interment of any Body in the unconsecrated Portion of any Burial Ground provided under this Act, an additional Fee of One Shilling and Ninepence.

Extra Fees for Interment of Bodies from without the Township.

XXVI. When the Body of any Person shall be brought from any other Township or Hamlet within the Parish of *Huddersfield* for Interment in the Burial Ground to be provided under this Act, the Sum of Two Shillings and Sixpence shall be taken as an extra Fee for such Interment; and when the Body of any Person shall be brought for Interment from any other Parish than the said Parish of *Huddersfield* then the Sum of Ten Shillings shall be taken as an extra Fee for the Interment of such Body; but in either of such Cases the Commissioners shall be empowered, at their Discretion, to reduce or remit such extra Fees.

Clerk to receive same Fee as Parish Clerk.

XXVII. That the Clerk to be appointed for Burials in the Burial Ground to be provided under this Act shall be entitled to require for each Burial in the consecrated Part of such Burial Ground the same Fee as is now payable to the Parish Clerk of the said Township in respect of Burials therein.

Money received by Officers to be paid to the Treasurer.

XXVIII. That all Fees and Sums which shall be received under this Act by the Officers or Servants of the said Board, on account of the said Board, shall be by such Wardens or Officers receiving the same forthwith paid to the Treasurer of the said Board.

Compensation in respect of Burial Grounds affected by Order for Discontinuance of Burial.

XXIX. That where this Act, or any Order for the Discontinuance of Interment as aforesaid, shall affect any Burial Ground in the said Township, Compensation shall be made by the said Commissioners to all Persons interested in such Burial Ground for the Loss or Damage which may be sustained by them by reason of the Discontinuance of such Interments as might lawfully have been made in such Ground in case Interment therein had not been discontinued under this Act; provided such Persons shall, within Three Calendar Months after the Time from which Interment is under such Order as aforesaid to be discontinued in such Ground, state in Writing to the said Commissioners the Particulars of their Claim for such Loss or Damage; and such Loss or Damage shall be examined into, and the Amount of Compensation payable in respect of the same shall be decided by Arbitration in manner provided by the Lands Clauses Consolidation Act, 1845; and the Expense which may be occasioned to any Body or Religious Denomination by the Necessity of making other Provision for such Interments as might lawfully have been made in such Ground shall be deemed Loss or Damage within this Enactment, and may be claimed by the Trustee or Trustees or a Majority of the Trustees of such Ground, though no Profit or Income would have been derived from such Interments.

Compensation to be made for Damage, after Inquiry.

Expenses under this Act to be defrayed out of Monies received thereunder, or in case of Defi-

XXX. That the Expenses of providing Burial Grounds, and the Salaries and Wages of all Officers and Servants of the said Commissioners appointed under this Act, the Payments to Incumbents and other Clerks in Holy Orders, Ministers, or other Persons performing Religious Rites under this Act, and all other Expenses of the said Commissioners under this Act, inclusive of the Com-  
pensations

pensions to be paid by them thereunder, and Interest, and all Sums borrowed under the Powers of this Act, shall be defrayed out of the Fees and Sums to be received by them under this Act ; and in case the Fees and Sums to be received under this Act shall be at any Time insufficient to defray the Expenses chargeable thereupon under this Act, the Deficiency shall be made up out of a Rate to be made and levied by the Commissioners named in this Act on all Property assessable to the Rates for the Relief of the Poor within the Township of *Huddersfield*, to be called the Burial Ground Rate, and to be assessed and levied in the same Manner as a General District Rate under the Public Health Act, 1848; and the said Rate shall be subject to the same Provisions as to Notice and Estimate, and with respect to Recovery, Amendment, and Appeal, as Rates leviable under the *Huddersfield* Improvement Act, 1848 ; but nothing in the said Public Health Act, 1848, or in this Act, contained, shall in any Manner be construed or extend to limit the Right of making any such Rates retrospectively ; provided that the Amount so to be levied by any such retrospective Rating shall not at any One Time exceed the Sum of Fivepence in the Pound upon the full net annual rateable Value of the Property liable to be assessed to such Rate.

ciency out of  
Poor Rates.

XXXI. That it shall be lawful for the said Commissioners, for the Purposes of defraying any Expenses incurred or to be incurred by them in the Execution of this Act, including all Sums of Money and Compensations to be paid by them thereunder, and with the Approbation of the General Board of Health, to borrow and take up at Interest any Sums of Money necessary for defraying any such Charges, Payments, and Expenses ; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the said Commissioners may mortgage and assign over to the Persons by or on behalf of whom such Sums are advanced all or any of the Fees and Payments to be received under this Act ; and the respective Mortgagees shall be entitled to a Proportion of such Fees and Payments as are comprised in their respective Mortgages according to the Sums in such Mortgages mentioned to have been advanced ; and each Mortgagee shall be entitled to be repaid the Sum so advanced, with Interest, without any Preference over any other Mortgagee or Mortgagees by reason of any Priority of Advance or the Date of his Mortgage : Provided always, that the Sum Total to be so borrowed shall not exceed Ten thousand Pounds.

Fees and Pay-  
ments may be  
mortgaged.

No Priority  
amongst Mort-  
gagees.

XXXII. That the said Commissioners may pay off any Monies borrowed or secured by any such Mortgage, by Thirty equal annual Instalments of Principal and Interest, or shall in every Year, until the same be paid off, appropriate and set apart as a Sinking Fund such Sum as, together with the Interest from Time to Time to accrue thereon, will in the Period of Thirty Years amount to a Sum sufficient to repay the Monies borrowed and secured by any such Mortgage, and shall from Time to Time cause such Sinking Fund, and the Interest thereon, to be invested in the Purchase of Exchequer Bills or other Government Securities, and to be increased by Accumulation in the Way of Compound Interest or otherwise ; and whenever the said Commissioners are enabled to pay off One or more of such Mortgages, but not the

Sinking Fund  
to be set apart  
for paying off  
Sums borrowed  
on Mortgage.



whole thereof, they shall, in default of Arrangement between the Commissioners and the Mortgagees, decide by Lot the Order in which the same shall be paid off.

Provisions of  
Commissioners  
Clauses Act  
incorporated.

XXXIII. That the Clauses of "The Commissioners Clauses Act, 1847," "with respect to the Meetings and other Proceedings of the Commissioners, and their Liabilities," excepting the 36th, 37th, 38th, 39th, 40th, 46th, and 53d Sections of the said Class of Clauses, and "with respect to the Contracts to be entered into and the Deeds to be executed by the Commissioners," and "with respect to the Liabilities of the Commissioners, and to legal Proceedings by or against the Commissioners," and "with respect to the Appointment and Accountability of the Officers of the Commissioners," excepting the 65th and 69th Sections of the said last-mentioned Class of Clauses, and "with respect to the Mortgages to be executed by the Commissioners," except the 84th Section of the said last-mentioned Class of Clauses, and "with respect to giving Notices and Orders," be incorporated with this Act; and that the Expression "the Special Act," used in the said Clauses, be construed to mean this Act; and the Expression "the Commissioners," in the said Clauses, be construed to mean the Commissioners under the aforesaid *Huddersfield* Improvement Act, or any Committee of the same appointed as herein-before directed to act in execution of this Act.

Parts of Lands  
Clauses Act  
incorporated.

XXXIV. That the Clauses of the "Lands Clauses Consolidation Act, 1845," "with respect to the Purchase of Lands by Agreement," and "with respect to the Purchase Money or Compensation coming to Parties having limited Interests, or prevented from treating, or not making Title," and "with respect to the Conveyances of Lands," and "with respect to Lands acquired by the Promoters of the Undertaking under the Provisions of this Act, or any Act incorporated therewith, but which shall not be required for the Purposes hereof," shall be incorporated with and form Part of this Act; and that the Expression the "Special Act," used in the said Clauses, be construed to mean this Act; and the Expression "the Works" or "the Undertaking" shall mean the Works or Undertaking of whatsoever Nature which shall by this Act be authorized to be executed; and the Expression "the Promoters of the Undertaking" in the said Clauses be construed to mean the Commissioners under the aforesaid *Huddersfield* Improvement Act, or any Committee of the same appointed as herein-before directed to act in execution of this Act.

Parts of Public  
Health Act  
incorporated.

XXXV. That for the Purpose of ascertaining and recovering any Penalties, Damages, Costs, Sums of Money, Expenses, Fees or Charges imposed, sustained, incurred, or which may become payable under the Provisions of this Act, and herein-before directed to be ascertained and recovered in a summary Manner, the Sections of the "Public Health Act, 1848," numbered respectively in the Copies of the Act printed by the Queen's Printers 129, 130, 131, 132, 134, 135, 136, and 137, shall be incorporated with this Act; and the Expression "Local Board of Health" used in such Sections shall be construed to mean the Commissioners under "The *Huddersfield* Improvement Act, 1848."

XXXVI. The

XXXVI. The said Commissioners shall cause Books to be provided and kept, and true and regular Accounts to be entered therein of all Sums of Money received and paid for and on account of this Act, and of the several Purposes for which such Sums of Money shall have been received and paid, which Books shall at all reasonable Times be open to the Inspection of any of the Commissioners, and any Mortgagee, Assignee in Security, or other Creditor of the Commissioners, without Fee or Reward; and the Commissioners and Persons aforesaid, or any of them, may take Copies of or Extracts from the said Books, without paying anything for the same; and any Clerk or other Person having the Custody of the said Books who shall not, on any reasonable Demand of any Commissioner, Mortgagee, or Creditor as aforesaid, permit him to inspect the said Books, or to take such Copies or Extracts as aforesaid, shall be liable to a Penalty of Five Pounds for every such Offence, which said Penalty shall be recoverable in a summary Manner; and any Auditors which may be appointed yearly under "The *Huddersfield* Improvement Act, 1848," for the auditing of the Accounts of the Commissioners under the said "*Huddersfield* Improvement Act," shall have the same Powers, Duties, and Privileges with respect to the Accounts of the said Commissioners under this Act as they have with respect to the Accounts of the Commissioners under the hereinbefore recited Act, which said Accounts shall be by the said Commissioners made up and balanced yearly for the Purposes of such Audit.

Accounts to be kept of Receipts and Disbursements, and such Accounts to be audited.

XXXVII. That the Expenses of obtaining this Act, and all other Expenses incidental thereto, shall be charged upon and defrayed out of the Fees and Sums of Money which shall be raised, charged, levied, or received under and by virtue of this Act.

Expenses of Act, &c. defrayable out of Fees.

XXXVIII. That in citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The *Huddersfield* Burial Ground Act, 1852."

Short Title of Act.

### The SCHEDULE referred to in the foregoing Act.

THE following is the Description of the Site of the Burial Ground authorized by the foregoing Act to be made; namely, all that Piece or Parcel of Ground containing Twelve Acres, more or less, situate in the Township and Parish of Huddersfield in the County of York, now the Property of the Trustees of Sir John Ramsden, Baronet, and called or known by the Name of the Edgerton Site, and which said Piece or Parcel of Ground is bounded on the East by the Footpath leading from Huddersfield to Birkby in the said Township of Huddersfield, on the West and South by other Property of the said Trustees, and on the North by the Highway leading from Edgerton in the said Township to Birkby aforesaid.

## C A P. XLII.

An Act to confirm certain Provisional Orders of the General Board of Health, and to amend the Public Health Act, 1848. [30th June 1852.]

‘ **W**HEREAS the General Board of Health have, in pursuance of the Public Health Act, 1848, made, published, and deposited, according to the Provisions of that Act, certain Provisional Orders mentioned in the Schedule to this Act annexed, and it is expedient that the said Orders should be confirmed : Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Certain Provisional Orders of the General Board of Health confirmed.

I. That the Provisional Orders of the General Board of Health referred to in the Schedule annexed shall from and after the passing of this Act, so far as the same are authorized by the said Public Health Act, be absolute, and be as binding and of the like Force and Effect as if the Provisions of the same had been expressly enacted in this Act, except as to the Words and Figures “to 107 from 109,” following the Words and Figures “from 89” in the Twenty-first Section of the Provisional Order mentioned in the said Schedule, applying the said Public Health Act to the District of *Worthing*.

Certain Sections of Rotherham Local Act not to extend beyond the Limits originally included within the Powers of that Act, and nothing to affect Market Company.

II. Provided always, That nothing in the Provisional Order in the Schedule to this Act annexed, applying the Public Health Act, 1848, to the District of *Rotherham* and *Kimberworth*, shall be taken to extend beyond the Limits originally included within the Powers of the Local Act recited in the said Provisional Order the Sections numbered respectively 29, 30, and 53 in the Copies of the said Act as printed by the Queen’s Printers ; and that nothing in the said Order shall be taken or deemed to affect the Rights of the Company of Proprietors of the *Rotherham* Market Place incorporated by the aforesaid Local Act ; and that all Penalties which the said Company are authorized to impose by the said Local Act may be proceeded for, recovered, and applied as if such Penalties had been incurred under the Public Health Act, 1848 ; and all the Provisions of the said Public Health Act with respect to Penalties shall extend to Penalties arising under the said Local Act.

Convictions under Smoke Nuisance Clause within the Rotherham and Kimberworth District.

III. Provided also, That, except in the Case of Furnaces for generating Steam, before any Conviction shall be had under the One hundred and eighth Section of the “*Towns Improvement Clauses Act, 1847*,” as incorporated in the last-mentioned Provisional Order, it shall be proved that it is practicable, by some Means then in use, to consume the Smoke arising from the Combustibles used in the Furnace or Fireplace in respect of which the Complaint is made under the said Section.

Limiting Amount of Rates leviable within the District of Banbury.

IV. Provided also, That the Rates leviable within the District of *Banbury*, as constituted by the Order in the Schedule to this Act, under the Public Health Act, 1848, or so much of any Local Act as remains unrepealed by the Provisional Order applying the said Public Health Act within the said District, or any Act incorporated

porated with the said Public Health Act, as applied to the said District by the said Order and this Act, shall not, inclusive of all Highway Rates, in any One Year exceed in the whole the Sum of Three Shillings and Sixpence in the Pound upon the net annual Value of Property assessable thereto within the Corporate Part of any such District, or the Sum of Two Shillings in the Pound upon the net annual Value of Property assessable to such Rates, or any of them, within the Non-corporate Part of the said District, except Property within the Non-corporate Part of the said District consisting of Land used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, Land covered with Water, or used only as a Canal or Towing Path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance; and as to such excepted Property, the Rates so leviable, inclusive of all Highway Rates, shall not in any One Year exceed in the whole the Sum of Sixpence in the Pound upon the net annual Value of such excepted Property.

V. Provided also, That the Parts and Places which, by the Sixteenth Section of the Provisional Order in the Schedule to this Act annexed, applying the said Public Health Act to the District of *Gainsborough* in the County of *Lincoln*, are made chargeable with the Payment of any Debt due from the Trustees acting in the Execution of the Local Acts referred to in the said Order, shall be and the same are hereby declared to be the Parts and Places included within the following Boundaries; that is to say, within a Line commencing at the River *Trent*, at the Sewer Head near *Trows House*, along the said Sewer as far as *Ropery Lane*, then along the said Lane to *Love Lane*, and along *Love Lane* to *Morton Terrace*, and thence across the Highway along Mrs. *Anderson's* Garden Wall to the *Manchester, Sheffield, and Lincolnshire* Railway, and along the West Side of the Railway to a Point where the *Great Northern* Railway, as authorized to be made, crosses the same, and continuing along the North Side of the *Great Northern* Railway to the River *Trent*.

Fixing in the Gainsborough District the Boundaries of the Area chargeable with existing Debt of the Trustees.

VI. The First Election of the Local Board of Health for the District of *Worthing* for the Purposes of the said Public Health Act shall take place on the Twentieth Day of *July* in the Year of our Lord One thousand eight hundred and fifty-two.

First Election of Local Board for Worthing.

VII. The First Election of the Local Board of Health for the District of *Worksop* in the County of *Nottingham*, for the Purposes of the said Public Health Act, shall take place on the Twentieth Day of *July* in the Year of our Lord One thousand eight hundred and fifty-two.

First Election of Local Board for Worksop.

VIII. The First Election of the Local Board of Health for the District of *Gainsborough* in the County of *Lincoln*, for the Purposes of the said Public Health Act, shall take place on the Twentieth Day of *July* in the Year of our Lord One thousand eight hundred and fifty-two.

First Election of Local Board, Gainsborough.

IX. The First Election of the Local Board of Health for the District of *Rotherham* and *Kimberworth*, in the County of *York*, for the Purposes of the said Public Health Act, shall take place on the Twentieth Day of *July* in the Year of our Lord One thousand eight hundred and fifty-two; and the First Election of Three

First Election of Local Board for Rotherham and Kimberworth.

Persons

Persons to be elected by the Owners and Ratepayers in respect of Property situated within the Township of *Brinsworth*, and to form Part of the Local Board of Health under the said Public Health Act for the aforesaid District, for the Purposes of Main Sewerage only, shall take place on the Twentieth Day of *July* in the Year of our Lord One thousand eight hundred and fifty-two.

First Election  
of Local Board  
for Burnham.

X. The First Election of the Local Board of Health for the District of *Burnham* in the County of *Somerset*, for the Purposes of the said Public Health Act, shall take place on the Twentieth Day of *July* in the Year of our Lord One thousand eight hundred and fifty-two.

First Selection  
and Election of  
Local Board  
of Calne.

XI. The First Selection and Election of Members of the Local Board of Health for the District of *Calne* in the County of *Wilts*, for the Purposes of the said Public Health Act, shall take place on the Twentieth Day of *July* in the Year of our Lord One thousand eight hundred and fifty-two.

First Selection  
and Election of  
Local Board  
for Banbury.

XII. The First Selection and Election of Persons to constitute the Local Board of Health for the District of *Banbury* in the Counties of *Oxford* and *Northampton*, for the Purposes of the said Public Health Act, shall take place on the Twentieth Day of *July* in the Year of our Lord One thousand eight hundred and fifty-two.

11 & 12 Vict.  
c. 63. ss. 68. 69.  
as to Repair of  
Highways.

XIII. That the Term "Highway," in the Sections of the Public Health Act, 1848, numbered respectively 68 and 69 in the Copies of the Act printed by the Queen's Printers, shall mean any Highway repairable by the Inhabitants at large.

Interpretation  
of "Year."

XIV. The Word "Year" shall, for the Purpose of the Election of Local Boards of Health acting in execution of the Public Health Act, 1848, and of the Continuance in Office of the Members of such Boards, be taken to mean the Interval between any Day of Election of any such Board and the Day of Election next ensuing.

Act incorpo-  
rated with Pub-  
lic Health Act.

XV. This Act shall be deemed to be incorporated with the Public Health Act, and shall be as if this Act and the Public Health Act were One Act.

Short Title of  
this Act.

XVI. That in citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The First Public Health Supplemental Act, 1852."

### SCHEDULE to which the foregoing Act refers.

Worthing.  
Worksop.  
Gainsborough.  
Rotherham and Kimberworth.

Burnham.  
Calne.  
Banbury.

## C A P. XLIII.

An Act to repeal certain Disabilities under the First of George the First, Chapter Thirteen, and the Sixth of George the Third, Chapter Fifty-three. [30th June 1852.]

**W**HEREAS by an Act of Parliament passed in the First Year of the Reign of King George the First, intituled 1 G. 1. c. 13. *An Act for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors*, it is among other things enacted, that if any Person that now is or hereafter shall be a Peer of this Realm, or Member of the House of Peers, or Member of the House of Commons in this or any succeeding Parliament, and after the said Twenty-ninth Day of September One thousand seven hundred and fifteen presume to vote or make his Proxy, not having taken the Oath therein mentioned, and subscribed the same, as therein also stated, every such Peer or Member so offending shall be disabled to sue, or use any Action, Bill, Complaint, or Information, in any Court of Law, or to prosecute any Suit in any Court of Equity, or to be Guardian of any Child, or Executor or Administrator of any Person, or to be capable of any Legacy or Deed of Gift, or to be in any Office within this Realm of Great Britain, or to vote at any Election for Members to serve in Parliament, and shall forfeit the Sum of Five hundred Pounds, to be recovered by him or them that shall sue for the same, to be prosecuted by Action of Debt, Suit, Bill, Complaint, or Information in any of His Majesty's Courts at Westminster, wherein no Essoign, Protection, or Wager of Law shall lie, or any more than One Imparlanee, and by way of summary Complaint before the Court of Sessions, or Prosecution before the Court of Justiciary in Scotland: And whereas also by a certain other Act of Parliament passed in the Sixth Year of His late Majesty King George the Third, intituled *An Act for altering the Oath of Abjuration and the Assurance, and for amending so much of an Act of the Seventh Year of Her late Majesty Queen Anne, intituled 'An Act for the Improvement of the Union of the Two Kingdoms,' as after the Time therein limited requires the Delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason or Misprision of Treason*, it is declared and enacted, amongst other things, that from and after the Fourth Day of June One thousand seven hundred and sixty-six the said Oath of Abjuration be administered in such Manner and Form as is therein-after set down and prescribed, and that all and every Person and Persons who were enjoined and required to administer, take, or subscribe the said Oath of Abjuration should respectively administer, take, and subscribe the Oath of Abjuration according to the Form therein set down and prescribed in such Courts within such Time limited, in such Manner, and with due Observance of the same Requisites, and with Benefit of the same Savings, Provisoos, and Indemnities, as by the Acts therein referred to or by any other Acts or any

6 G. 3. c. 53.  
' Part

Repealing Disabilities imposed by the recited Act upon Members of either House of Parliament voting without taking the required Oath.

‘ Part of them then subsisting were directed and enacted ; and in case of Neglect or Refusal he or they should be subject and liable to the same Penalties and Disabilities as by the Laws and Statutes aforesaid were enacted : And whereas the Disabilities so created are unnecessarily severe :’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Enactment as imposes the Disabilities therein as above set forth shall be and is hereby repealed, and the said Disabilities shall cease and determine and be of no Effect with respect to any Offence committed or hereafter to be committed against the aforesaid Enactments : Provided always, that nothing herein contained shall affect the Liability of the Person so offending to the pecuniary Penalty imposed by the said Enactment, or alter in any respect the said Enactment in relation thereto.

### C A P. XLIV.

An Act to amend and consolidate the Laws relating to the Carriage of Passengers by Sea. [30th June 1852.]

‘ **W**HEREAS it is expedient to amend and consolidate, and for that Purpose to repeal, the existing Laws relating to the Carriage of Passengers by Sea :’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

#### *Prefatory Clauses.*

Commencement of this Act, and Repeal of former Acts, except as to existing Liabilities, and except as to an Order in Council dated 6th October 1849.

I. On the First Day of *October* next, when this Act shall commence and come into force, “The Passengers Act, 1849,” and an Act of the Fourteenth Year of the Reign of Her present Majesty, Chapter One, intituled *An Act to amend the Passengers Act, 1849*, shall be repealed ; except so far as either of the said Acts repeals any former Act or Enactment ; and except so far as may be necessary for supporting or continuing any Proceeding heretofore taken or hereafter to be taken upon any Bond given under either of the said Acts, or upon any other Civil Process ; and except as to the Recovery and Application of any Penalty for any Offence committed against either of the said Acts before the Commencement of this Act ; and except also as to an Order in Council made by Her Majesty, with the Advice of Her Privy Council, on the Sixth Day of *October* One thousand eight hundred and forty-nine, in pursuance of the Powers given by the Thirty-ninth Section of “The Passengers Act, 1849,” which said Order in Council shall remain in force until altered or revoked by any Order in Council to be made under the Provisions of this Act.

#### *Short Title.*

In legal Proceedings, Reference to Sections sufficient.

II. In citing this Act in other Acts of Parliament, or in any Instrument, Document, or Proceeding, it shall be sufficient to use the Expression “The Passengers Act, 1852 ;” and in any Process for enforcing the Remedies or Penalties given or imposed by this Act it shall be sufficient, without specifying more particularly the Cause of Complaint or Offence, to refer by Number, according to the

the Copies of the Act printed by the Queen's Printer, to the Section or Sections under which the Proceeding is taken.

III. For the Purposes of this Act, the following Terms, whenever they occur, shall respectively have the following Significations ; (that is to say,) the Term "*United Kingdom*" shall signify *Great Britain and Ireland*, and the Islands of *Guernsey, Jersey, Alderney, Sark, Scilly, and Man*; the Term "*North America*" shall signify and include the *Bermudas*, and all Ports and Places on the Eastern Coast of the Continent of *North America*, or in the Islands adjacent or near thereto, or in the Gulf of *Mexico* North of the Tropic of Cancer; the Term "*West Indies*" shall signify the *West India* Islands, the *Bahamas, British Guiana, and Honduras*; the Term "Governor" shall signify the Person who for the Time being shall be lawfully administering the Government of any *British* Colony in which he may be acting; the Term "Statute Adult" shall signify a Passenger of the Age of Fourteen Years or upwards, or Two Passengers above the Age of One Year and under that of Fourteen; the Term "Passage" shall include all Passages except Cabin Passages; the Term "Passengers" shall include all Passengers except Cabin Passengers, and except Labourers under Indenture to the *Hudson's Bay* Company, and their Families, if conveyed in Ships the Property of or chartered by the said Company, and no Persons shall be deemed Cabin Passengers unless the Space allotted to their exclusive Use in the Chief or Second Cabin shall be in the Proportion of at least Thirty-six clear Square Feet to each Statute Adult, nor unless they shall be messed at the same Table with the Master or First Officer of the Ship, nor unless the Fare contracted to be paid by them respectively shall be in the Proportion of at least Twenty Shillings for every Week of the Length of the Voyage as computed for Sailing Vessels under the Provisions of this Act; the Term "Passenger Deck" shall signify the Main Deck and the Deck immediately below it, not being an Orlop Deck, or either of them, or any Compartment thereof in which Passengers may be berthed; the Term "Ship" shall signify any Description of Sea-going Vessel, whether *British* or Foreign; the Term "Passenger Ship" shall signify every Description of such Ship carrying upon any Voyage to which the Provisions of this Act shall extend a greater Number of Passengers, when propelled by Sails, than in the Proportion of One "Statute Adult" to every Twenty-five Tons of the registered Tonnage of such Ship, and when propelled by Steam than in the Proportion of One Statute Adult to every Ten Tons of the registered Tonnage of such Ship; and the Term "Master" shall signify the Person who shall be borne on the Ship's Articles as Master, or who for the Time being shall be in Charge or Command of any such Ship or "Passenger Ship;" and, unless there be something in the Subject Matter or Context repugnant thereto, every Word importing the Singular Number or the Masculine Gender only shall include several Persons, Matters, or Things, as well as One Person, Matter, or Thing, and Females as well as Males, respectively; and every Word importing the Plural Number shall include One Person or Thing as well as several Persons or Things.

Definition of  
Terms; viz.  
"United Kingdom:"  
"North America:"  
"West Indies:"  
"Governor:"  
"Statute Adult:"  
"Passage" and  
"Passengers:"

"Passenger Deck:"

"Ship:"  
"Passenger Ship:"

"Master:"

Number and Gender



Repealing Disabilities imposed by the recited Act upon Members of either House of Parliament voting without taking the required Oath.

'Part of them then subsisting were directed and  
'case of Neglect or Refusal he or they should  
'liable to the same Penalties and Disabilities as  
'Statutes aforesaid were enacted: And where  
'so created are unnecessarily severe.' Be it  
the Queen's most Excellent Majesty, by and  
Consent of the Lords Spiritual and Temporal  
this present Parliament assembled, and by  
same, That so much of the said Enactments  
abilities therein as above set forth shall be  
and the said Disabilities shall cease and  
Effect with respect to any Offence com-  
mitted against the aforesaid Enactment  
that nothing herein contained shall af-  
son so offending to the pecuniary Pen-  
Enactment, or alter in any respect  
thereto.

# C A P.

An Act to amend and consolidate  
Carriage of Passengers by

'WHEREAS it is expedient  
for that Purpose to re-  
'the Carriage of Passengers  
the Queen's most Excellent  
Consent of the Lords Spirit-  
this present Parliament as-  
same, as follows:

I. On the First Day of  
mence and come into force  
Act of the Fourteenth Year  
Chapter One, intituled  
shall be repealed; except  
any former Act or Enac-  
sary for supporting or  
or hereafter to be taken  
the said Acts, or upon  
the Recovery and Ad-  
committed against  
ment of this Act  
made by Her Majesty  
the Sixth Day of  
nine, in pursuance  
tion of "The Pass-  
shall remain in  
Council to be n-

II. In citing

Her Majesty's Sign  
of November  
Her Majesty was  
to be, during  
United Kingdom  
in Her Majesty's  
eration of the poorer  
Colonies: And whereas  
should be empowered to  
therefore enacted, That  
for the Time being,  
to carry this Act into  
it shall be sufficient  
Style of the "Colonial

Commissioners for the  
Name of their Secretary,  
for the Time being, and

by or against the said Com-  
of them or of their Secretary  
by the Death or Removal of  
the Secretary for the Time  
beers, shall always be deemed  
(the Case may be) in any such  
the said Commissioners and  
in no Case be personally liable,  
Effects of any of them be liable,  
Costs or otherwise in respect of  
to be made by them or any of  
or equitable Proceedings taken  
for any Act, Deed, or Matter  
of them in their or his official

the said Commissioners acting  
Majesty's Principal Secretaries  
Possessions abroad the respective  
appoint, and the said  
from Time to Time  
t Emigration Officers  
Purpose of carry-  
of the said Com-  
Provided neverthe-  
less,

## Prefatory Clauses.

Commencement  
of this Act, and  
Repeal of for-  
mer Acts, ex-  
cept as to exist-  
ing Liabilities,  
and except as to  
an Order in  
Council dated  
6th October  
1849.

## Short Title.

In legal Pro-  
ceedings, Re-  
ference to Se-  
ctions suffi-

Immigration Officers and of Existing Appointments to continue.  
Her Majesty's  
and duly

and or Duties of Emi-  
and and gration Officer  
where may be per-  
or in their formed by As-  
being at sistant, or Offi-  
cer of Customs.

"Passenger Ship" Facilities to be  
Passengers, or given to the  
to which this Act proper Officers  
or his Assistant for the Inspec-  
Majesty's Dominions, tion of all Ships  
Majesty's Consul at any fitting for Pas-  
shall be or arrive, every sengers.  
communicating with the  
Provisions of this Act,  
such Ships, have been duly

for the Carriage of Passengers No Passenger  
out or proceed to Sea until the Ship to clear  
from the Emigration Officer at out without a  
under his Hand that all the Certificate from  
as the same can be complied Emigration  
such Ship, have been duly complied Officer, nor till  
shall have joined in executing such Bond be given.  
by the Fifty-ninth Section of this

"Ship" shall clear out or proceed to Passenger Ships  
having first obtained such Certificate, clearing out  
joined in executing such Bond, as by this without Certifi-  
Ship shall be forfeited to the Use of Her cate, &c. for-  
seized by any Officer of Customs, if found, feited; and to be  
from the Commission of the Offence, in any dealt with as if  
United Kingdom or in Her Majesty's Posses- seized under  
such Ship shall thereupon be dealt with in the Customs Laws.  
if she had been seized as forfeited under any  
relating to the Customs for an Offence incurring  
those Laws.

Ship shall clear out or shall proceed to Sea with a  
Number of Passengers on board (exclusive of *bonâ fide*  
Passengers) than will allow of the Appropriation to them  
Space on the "Passenger Decks," unoccupied by  
being the personal Luggage of the Passengers; (that  
if the Ship is not intended to pass within the Tropics,  
clear Superficial Feet for every Statute Adult; but if the  
intended to pass within the Tropics, Fifteen such clear  
Superficial Feet for every Statute Adult: Nor (unless the Ship  
propelled by Steam) with a greater Number of Persons on  
(including the Master and Crew, and Cabin Passengers,  
and counting Two Children above the Age of One Year  
under that of Fourteen as One Person,) than in the Proportion  
of

#### *Arrangements for the Ship.*

Passengers to  
be carried only  
on "Passenger  
Decks," and  
the Number  
limited.

*Prefatory  
Clauses.*

To what Vessels  
and Voyages  
this Act shall  
extend.

Commissioners  
of Emigration  
to carry this  
Act into execu-  
tion.

Emigration  
Commissioners  
may sue, &c. in  
the Name of  
their Secretary  
or of One of  
themselves.

The Commis-  
sioners and their  
private Estates  
exempt from  
Liability.

Emigration  
Officers and  
Assistants to  
act under Com-  
missioners, &c.

IV. This Act shall extend to every "Passenger Ship" proceeding on any Voyage from the United Kingdom to any Place out of *Europe*, and not being within the *Mediterranean Sea*, and on every Colonial Voyage as herein-after described, but shall not extend to any of Her Majesty's Ships of War, nor to any Ships in the Service of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, nor to any Ship of War or Transport in the Service of the *East India Company*, nor to any Steam Vessel carrying the Royal Mails or carrying Mails under Contract with the Government of the Country to which such Steam Vessel may belong.

V. 'And whereas by a Warrant under Her Majesty's Sign Manual, bearing Date on the Twenty-seventh Day of *November* One thousand eight hundred and forty-seven, Her Majesty was pleased to appoint certain Persons therein named to be, during Her Majesty's Pleasure, Commissioners in the United Kingdom for the Sale of the Waste Lands of the Crown in Her Majesty's Colonies, and for superintending the Emigration of the poorer Classes of Her Majesty's Subjects to such Colonies: And whereas it is expedient that such Commissioners should be empowered to carry this Act into execution: Be it therefore enacted, That the said Commissioners, and their Successors for the Time being, shall and they are hereby empowered to carry this Act into execution; and that for all legal Purposes it shall be sufficient to describe such Commissioners by the Style of the "Colonial Land and Emigration Commissioners."

VI. The Colonial Land and Emigration Commissioners for the Time being may sue and be sued in the Name of their Secretary, or of any One of such Commissioners for the Time being, and legal or equitable Proceedings taken by or against the said Commissioners in the Name of any One of them or of their Secretary shall not abate nor be discontinued by the Death or Removal of such Secretary or Commissioner, but the Secretary for the Time being, or any One of such Commissioners, shall always be deemed to be the Plaintiff or Defendant (as the Case may be) in any such Proceedings: Provided always, that the said Commissioners and their Secretary respectively shall in no Case be personally liable, nor shall the private Estate and Effects of any of them be liable, for the Payment of any Monies or Costs or otherwise in respect of any Contract made or hereafter to be made by them or any of them, or in respect of any legal or equitable Proceedings taken against them or any of them, or for any Act, Deed, or Matter done or executed by them or any of them in their or his official Capacity and on the Public Service.

VII. In the United Kingdom the said Commissioners acting under the Sanction of One of Her Majesty's Principal Secretaries of State, and in Her Majesty's Possessions abroad the respective Governors thereof, may from Time to Time appoint, and the said Commissioners and Governors may at pleasure from Time to Time remove, such Emigration Officers and Assistant Emigration Officers as they may respectively think necessary, for the Purpose of carrying this Act into execution, under the Direction of the said Commissioners or Governors, as the Case may be: Provided nevertheless,

less, that all existing Appointments of Emigration Officers and of their Assistants, as well in the United Kingdom as in Her Majesty's Possessions abroad, shall continue in force under this Act until duly revoked.

Existing Appointments to continue.

VIII. All Powers, Functions, and Duties to be exercised or performed by any such Emigration Officer shall be exercised and performed respectively by his Assistant, or, at any Port where there shall be no such Emigration Officer or Assistant, or in their Absence, by the Chief Officer of Customs for the Time being at such Ports.

Duties of Emigration Officer may be performed by Assistant, or Officer of Customs.

IX. The Master of every Ship, whether a "Passenger Ship" or otherwise, fitting or intended for the Carriage of Passengers, or which shall carry Passengers upon any Voyage to which this Act extends, shall afford to such Emigration Officer or his Assistant as aforesaid at any Port or Place in Her Majesty's Dominions, and, in the Case of *British* Ships, to Her Majesty's Consul at any Foreign Port or Place at which such Ship shall be or arrive, every Facility for inspecting such Ship, and for communicating with the Passengers, and for ascertaining that the Provisions of this Act, so far as the same may be applicable to such Ships, have been duly complied with.

Facilities to be given to the proper Officers for the Inspection of all Ships fitting for Passengers.

X. No Ship fitted or intended for the Carriage of Passengers as a "Passenger Ship" shall clear out or proceed to Sea until the Master thereof shall have obtained from the Emigration Officer at the Port of Clearance a Certificate under his Hand that all the Requirements of this Act, so far as the same can be complied with before the Departure of such Ship, have been duly complied with, nor until the Master shall have joined in executing such Bond to the Crown as required by the Fifty-ninth Section of this Act.

No Passenger Ship to clear out without a Certificate from Emigration Officer, nor till Bond be given.

XI. If any "Passenger Ship" shall clear out or proceed to Sea without the Master's having first obtained such Certificate, or without his having joined in executing such Bond, as by this Act is required, such Ship shall be forfeited to the Use of Her Majesty, and may be seized by any Officer of Customs, if found, within Two Years from the Commission of the Offence, in any Port or Place in the United Kingdom or in Her Majesty's Possessions abroad; and such Ship shall thereupon be dealt with in the same Manner as if she had been seized as forfeited under any of the Laws relating to the Customs for an Offence incurring Forfeiture under those Laws.

Passenger Ships clearing out without Certificate, &c. forfeited; and to be dealt with as if seized under Customs Laws.

XII. No Ship shall clear out or shall proceed to Sea with a greater Number of Passengers on board (exclusive of *bonâ fide* Cabin Passengers) than will allow of the Appropriation to them of the following Space on the "Passenger Decks," unoccupied by Stores, not being the personal Luggage of the Passengers; (that is to say,) if the Ship is not intended to pass within the Tropics, Twelve clear Superficial Feet for every Statute Adult; but if the Ship is intended to pass within the Tropics, Fifteen such clear Superficial Feet for every Statute Adult: Nor (unless the Ship be propelled by Steam) with a greater Number of Persons on board (including the Master and Crew, and Cabin Passengers, if any, and counting Two Children above the Age of One Year and under that of Fourteen as One Person,) than in the Proportion of

Arrangements for the Ship.

Passengers to be carried only on "Passenger Decks," and the Number limited.

*Arrangements  
for the Ship.*

Penalty for Ex-  
cess of Persons  
on board.

Two Lists of  
Passengers to  
be made out  
in the Form in  
Schedule (A.),  
and delivered  
in every Case  
before Clear-  
ance.

Lists of addi-  
tional Passen-  
gers taken on  
board after  
Clearance to be  
made out, and  
signed by  
Master.

of One Person to every Two Tons of the registered Tonnage of such Ship. If there shall be on board of any Ship at or after the Time of Clearance a greater Number either of Persons or of Passengers than in the Proportions respectively herein-before mentioned, the Master of such Ship shall be liable, on such Conviction as herein-after is mentioned, to a Penalty not exceeding Five Pounds nor less than Two Pounds Sterling for each Person or Passenger constituting any such Excess.

XIII. The Master of every Ship, whether a "Passenger Ship" or otherwise, carrying Passengers on any Voyage to which this Act extends, shall, before demanding a Clearance for such Ship, sign Two Lists, made out according to the Form contained in Schedule (A.) hereto annexed, correctly setting forth in the Manner therein directed the Name and other Particulars of the Ship, and of every Passenger on board thereof; and the said Lists, when countersigned by the Emigration Officer, where there is One at the Port, shall be delivered by the Master to the Officer of the Customs from whom a Clearance of the said Ship shall be demanded, and such Officer shall thereupon also countersign and return to the said Master One of such Lists, herein-after called "The Master's List;" and the said Master shall exhibit such last-mentioned List, with any Additions which may from Time to Time be made thereto, as herein-after directed, to the Chief Officer of Her Majesty's Customs at any Port or Place in Her Majesty's Possessions, or to Her Majesty's Consul at any Foreign Port at which the said Passengers or any of them shall be landed, and shall deposit the same with such Chief Officer of Customs, or such Consul, as the Case may be, at the final Port or Place of Discharge.

XIV. If at any Time after such Lists shall have been signed and delivered as aforesaid any additional Passenger shall be taken on board, in every such Case the Master shall, according to the Form aforesaid, add to "The Master's List" the Names and other Particulars of every such additional Passenger, and shall also sign a separate List, made out according to the Form aforesaid, containing the Names and other Particulars of every such additional Passenger; and such last-mentioned List, when countersigned by the Emigration Officer, where there is One at the Port, shall, together with "The Master's List" to which such Addition shall have been made, be delivered to the Chief Officer of Customs as aforesaid, and thereupon such Officer shall countersign "The Master's List," and shall return the same to the said Master, and shall retain the separate List; and so on in like Manner whenever any additional Passenger or Passengers may be taken on board; or if no Officer of Customs shall be stationed at the Port or Place where such additional Passenger or Passengers may be taken on board, the said Lists shall be delivered to the Officer of Customs at the next Port or Place at which such Vessel shall touch or arrive and where any such Officer shall be stationed, to be dealt with as herein-before mentioned: Provided, that when any additional Passengers shall be taken on board the Master shall obtain a fresh Certificate from the Emigration Officer of the Port that all the Requirements of this Act have been duly complied with, before the Ship shall proceed to Sea, and in default thereof shall obtain

obtain a fresh Certificate from the Emigration Officer of the Port that all the Requirements of this Act have been duly complied with, before the Ship shall proceed to Sea, and in default thereof shall be liable to a Penalty for each Offence not exceeding Fifty Pounds.

*Arrangements  
for the Ship.*

XV. If any Person shall be found on board any Passenger Ship, with Intent to obtain a Passage therein without the Knowledge and Consent of the Owner, Charterer, or Master thereof, such Person, and every Person aiding and abetting him in such fraudulent Intent, shall respectively be liable, on such summary Conviction as herein-after mentioned, to a Penalty not exceeding Five Pounds, and in default of Payment to Imprisonment, with Hard Labour, for a Period not exceeding Three Calendar Months; and such Person so found on board may be taken before any Justice of the Peace, without Warrant, and such Justice may hear the Case, and on Proof of the Offence convict such Offender as aforesaid.

Penalty on Persons attempting fraudulently to obtain a Passage, and on Persons aiding and abetting.

XVI. No "Passenger Ship" shall clear out or proceed to Sea unless she shall have been surveyed, under the Direction of the Emigration Officer at the Port of Clearance, but at the Expense of the Owner or Charterer thereof, by Two or more competent Surveyors, to be appointed by the said Colonial Land and Emigration Commissioners for each Port at which there may be an Emigration Officer, and for other Ports by the Commissioners of Customs, nor unless it shall be reported by such Surveyors, that such "Passenger Ship" is in their Opinion seaworthy, and fit in all respects for her intended Voyage: Provided always, that in case any "Passenger Ship" shall be reported by any such Surveyors not to be seaworthy, nor fit in all respects for her said intended Voyage, the Owner or Charterer, if he shall think fit, may require, by Writing under his Hand, the Emigration Officer, or in his Absence the Chief Officer of Customs, to appoint Three other competent Surveyors, of whom Two at least shall be Shipwrights, to survey the said Ship, at the Expense of the said Owner or Charterer; and the said Officer shall thereupon appoint such Surveyors, who shall survey the said Ship, and if they shall, by an unanimous Report under their Hands (but not otherwise), declare the said Ship to be seaworthy, and fit in all respects for her intended Voyage, the said Ship shall then, for the Purposes of this Act, be deemed seaworthy for such Voyage.

All Passenger Ships to be surveyed before clearing out.

XVII. In every "Passenger Ship" the Beams supporting the "Passenger Decks" shall form Part of the permanent Structure of the Ship: They shall be of adequate Strength, in the Judgment of the Emigration Officer at the Port of Clearance, and shall be firmly secured to the Ship to the Satisfaction of such Officer: The "Passenger Decks" shall be at least One Inch and a Half in Thickness, and shall be laid and firmly fastened upon the Beams continuously from Side to Side of the Compartment in which the Passengers are berthed, or substantially secured to the Beams, at least Three Inches clear above the Bottom thereof, to the Satisfaction of such Emigration Officer: The Height between any Deck on which Passengers are carried and the Deck immediately above it shall not be less than Six Feet.

Beams and Decks.

XVIII. There shall not be more than Two Tiers of Berths on any One Deck in any "Passenger Ship," and the Interval between the Floor of the Berths and the Deck immediately beneath them shall not be less than Six Inches: The Berths

As to Arrangement and Size of Berths.

*Arrangements  
for the Ship.*

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Single Men to  
be berthed in a  
separate Com-  
partment.

As to Numbers  
and Sexes in  
One Berth.

Berths not to  
be removed till  
Passengers  
landed.

A Space in  
every Ship to  
be set apart for  
an Hospital.

As to fitting up  
of Privies.

Directions as to  
Light and Ven-  
tilation.

shall be securely constructed, and of Dimensions not less than after the Rate of Six Feet in Length and Eighteen Inches in Width for each Statute Adult, and shall be sufficient in Number for the proper Accommodation of all the Passengers contained in the Lists of Passengers herein-before required to be delivered by the Master of the Ship.

**XIX.** In every Passenger Ship all the unmarried Male Passengers of the Age of Fourteen Years and upwards shall, to the Satisfaction of the Emigration Officer at the Port of Clearance, be berthed in the fore Part of the Ship, in a Compartment divided off from the Space appropriated to the other Passengers by a substantial and well-secured Bulkhead, or in separate Rooms, if the Ship be divided into Compartments, and fitted with enclosed Berths: Not more than Two Passengers, unless Members of the same Family, shall be placed in the same Berth: Nor in any Case shall Persons of different Sexes above the Age of Fourteen, unless Husband and Wife, be placed in the same Berth.

**XX.** No Berths in a "Passenger Ship" occupied by Passengers during the Voyage shall be taken down until Forty-eight Hours after the Arrival of such Ship at the Port of final Discharge, unless all the Passengers shall have voluntarily quitted the Ship before the Expiration of that Time.

**XXI.** In every "Passenger Ship" a Space shall be properly divided off to the Satisfaction of the Emigration Officer at the Port of Clearance, and set apart for an Hospital, not less, in Ships carrying as many as One hundred Statute Adults, than Fifty-six clear Superficial Feet, with Four Bed-berths erected therein, and properly supplied with Bedding, nor less, in Vessels carrying Three hundred or more Statute Adults, than One hundred and twenty clear Superficial Feet, with at least Eight Bed-berths properly supplied as aforesaid.

**XXII.** No "Passenger Ship" shall clear out or proceed to Sea unless fitted, to the Satisfaction of the Emigration Officer at the Port of Clearance, with at least Two Privies, and with Two additional Privies for every One hundred Passengers on board, which shall be maintained in a serviceable Condition throughout the Voyage; provided that such Privies shall be placed in equal Numbers on each Side of the Ship, and need not in any Case exceed Twelve in Number.

**XXIII.** No "Passenger Ship" having on board as many as One hundred Statute Adults shall clear out or proceed to Sea without having on board an adequate and proper ventilating Apparatus, to be approved by the Emigration Officer at the Port of Clearance, and fitted to his Satisfaction; and in every "Passenger Ship" the Passengers, whatever be their Number, shall at all Times during the Voyage (Weather permitting) have free Access to and from the Between Decks by the whole of each Hatchway situate over the Space appropriated to the Use of such Passengers: If, however, the Main Hatchway be not One of the Hatchways appropriated to the Use of the Passengers, or if the natural Supply of Light and Air through the same be in any Manner unduly impeded, the Emigration Officer at the Port of Clearance may direct such other Provision to be made for affording Light and Air to the Between Decks as the Circumstances of the Case may, in his Judgment, appear to require; and in case

of

of Noncompliance with any such Directions, or in case such Ship shall be cleared out or proceed to Sea without such ventilating Apparatus, the Owner, Charterer, or Master of such Ship shall be liable, on such Conviction as herein-after is mentioned, to a Penalty not exceeding Fifty Pounds nor less than Twenty Pounds Sterling.

Penalty on Noncompliance with such Directions.

XXIV. Every "Passenger Ship" shall carry a Number of Boats according to the following Scale ; (that is to say.)

Passenger Ships shall carry Boats.

Two Boats for every Ship of One hundred Tons and upwards :

Three Boats for every Ship of Two hundred Tons and upwards, if the Number of Statute Adults on board shall exceed Fifty :

Four Boats for every Ship of Five hundred Tons and upwards, if the Number of Statute Adults shall exceed Two hundred :

Five Boats for every Ship of Eight hundred Tons and upwards, if the Number of Statute Adults shall exceed Three hundred :

Six Boats for every Ship of Twelve hundred Tons and upwards, if the Number of Statute Adults shall exceed Five hundred and fifty :

One of such Boats shall in all Cases be a Long Boat, and One shall be a properly fitted Life Boat, which shall be kept properly suspended at the Quarter or Stern of the Ship ; and each of such Boats shall be of a suitable Size, to be approved by the Emigration Officer at the Port of Clearance, and shall be seaworthy, and properly supplied with all Requisites, and kept clear at all Times for immediate Use at Sea : There shall likewise be on board each "Passenger Ship" Two properly fitted Life Buoys, kept ready at all Times for immediate Use, and some adequate Means, to be approved by the Emigration Officer at the Port of Clearance, of making Signals by Night ; also a Fire Engine, in proper working Order, or other Apparatus for extinguishing Fire, to be approved by such Officer ; provided that "Passenger Ships" which shall comply with the Requirements of this Act as regards Boats shall be exempted from the Requirements respecting Boats contained in the "Steam Navigation Act, 1851."

One Boat to be a Life Boat.

Life Buoys, Means for making Night Signals, and Fire Engines to be provided.

XXV. Every "Passenger Ship" shall be manned with an efficient Crew for her intended Voyage, to the Satisfaction of the Officer from whom a Clearance of such Ship may be demanded.

Passenger Ship to be properly manned.

XXVI. No "Passenger Ship" shall clear out or proceed to Sea if there shall be on board as Cargo any Horses, Cattle, Gunpowder, Vitriol, Lucifer Matches, Guano, green Hides, or any other Article, whether as Cargo or Ballast, which by reason of its Nature or Quantity shall be deemed by the Emigration Officer at the Port of Clearance likely to endanger the Health or Lives of the Passengers, or the Safety of the Ship : No Part of the Cargo, or of the Provisions, Water, or Stores, whether for the Use of the Passengers or of the Crew, shall be carried on the Upper Deck, or on the "Passenger Decks," unless in the Opinion of such Emigration Officer it shall be so placed as not to impede Light or Ventilation, nor interfere with the Comfort of the Passengers ; nor unless the same be stowed and secured to the Satisfaction of such Emigration Officer ; and the Space occupied thereby on the Passenger Decks, or rendered, in the Opinion of such Emigration Officer, unavailable for the Accommodation of the Passengers, shall be deducted in calculating the Space by which, under the Provision of this Act, the Number of Passengers is regulated.

Certain Articles prohibited as Cargo and Ballast.

Cargo and Stores not to be carried on Deck, except in certain Cases and under certain Conditions.



*Arrangements  
for the Ship.*

*Computation of  
Voyages.*

XXVII. For the Purposes of this Act, the Length of the Voyage for a "Passenger Ship," proceeding from the United Kingdom to the under-mentioned Places respectively, shall be determined by the following Scale; (that is to say,)

	If the Ship be propelled by Sails alone.	If the Ship be pro- pelled wholly by Steam Engines of not less Power than after the Rate of 20 Horses to every 100 regi- stered Tons, or by such Steam En- gines in aid of Sails.
	<i>Days.</i>	<i>Days.</i>
To North America (except the West Coast thereof):—		
For Ships clearing out be- tween the Sixteenth Day of January and the Four- teenth Day of October, both Days inclusive }	70	40
For Ships clearing out be- tween the Fourteenth Day of October and the Sixteenth Day of Janu- ary, both Days inclusive }	80	45
To the West Indies - - -	70	40
To any Part of the East Coast of the Continent of Central or South America Northward of the Twenty-fifth Degree of South Latitude, except Bri- tish Guiana - - - }	84	50
To the West Coast of Africa -	84	50
To the Cape of Good Hope or the Falkland Islands, or to any Part of the East Coast of South America Southward of the Twenty-fifth Degree of South Latitude - - - }	105	65
To the Mauritius, and to the Western Coast of America South of the Equator - - }	126	75
To Ceylon - - - -	140	85
To Western Australia - -	120	85
To any other of the Australian Colonies - - - - }	140	90
To New Zealand and to the Western Coast of America between the Equator and the Fortieth Degree of North Latitude - - - - }	150	90
To the Western Coast of America North of the Fortieth Degree of North Latitude, and the Islands adjacent thereto -	182	96

For the like Purposes, the said Colonial Land and Emigration Commissioners, acting by and under the Authority of One of Her Majesty's Principal Secretaries of State, from Time to Time, by any Notice in Writing issued under the Hands of any Two of such Commissioners, and published in the *London Gazette*, may nevertheless declare what shall be deemed to be the Length of Voyage from the United Kingdom to any of the said herein-before mentioned Places, or to any other Port or Place whatsoever, and may fix such different Lengths of Voyage as they may think reasonable for such different Descriptions of Vessels as aforesaid.

*Arrangements  
for the Ship.*  
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**XXVIII.** Before any "Passenger Ship" shall be cleared out the Emigration Officer at the Port of Clearance shall survey or cause to be surveyed by some competent Person the Provisions and Water by this Act required to be placed on board for the Consumption of the Passengers, and shall satisfy himself that the same are of a good and wholesome Quality, and in a sweet and good Condition, and are in Quantities sufficient to secure throughout the Voyage the Issues herein-after prescribed: He shall also satisfy himself that over and above the same there is on board, for the victualling of the Crew of the Ship and all other Persons, if any, on board, an ample Supply of pure Water, and of wholesome Provisions and Stores; and that such of the last-mentioned Provisions or Stores as consist of Articles of a like Description to those hereby required for the Consumption of the Passengers are not inferior in Quality to the same: All such Water, Provisions, and Stores shall be provided and properly stowed away in accordance with the Requirements of the Twenty-sixth Section of this Act, by and at the Expense of the Owner, Charterer, or Master of the Ship; and if a Clearance be obtained for any "Passenger Ship" which shall not be then stored with the requisite Quantities of such Water, Provisions, and Stores as are required by this Act, the Owner, Charterer, or Master of such Ship shall be liable, on such Conviction as herein-after is mentioned, to the Payment of a Penalty not exceeding One hundred Pounds.

Before clearing out the Provisions and Water to be surveyed.

Provisions for Crew not to be inferior to those for Passengers.

Penalty on Owners, &c. for Neglect.

**XXIX.** If such Emigration Officer shall consider that any of the Provisions or Stores are not of a good and wholesome Quality, or are not in a sweet or good Condition, it shall be lawful for him to reject and mark the same, or the Packages in which they are contained, and to direct the same to be landed; and if such rejected Provisions or Stores shall not thereupon be forthwith landed, or if, after being landed, the same or any Part thereof shall be reshipped in such Ship, the Owner, Charterer, or Master thereof, or if reshipped in any other "Passenger Ship," the Person causing the same to be reshipped, shall be liable, on Conviction as herein-after mentioned, to a Penalty not exceeding One hundred Pounds.

Emigration Officer may reject and mark bad Provisions, and direct same to be landed.

Penalty.

**XXX.** In every "Passenger Ship" the Water to be laden on board, as herein-before required, shall be carried in Tanks or in Casks to be approved by the Emigration Officer at the Port of Clearance; and when Casks are used they shall be sweet and tight, of sufficient Strength, and properly charred inside, and shall

Water Tanks or Casks to be approved by Emigration Officer.

*Arrangements  
for the Ship.*

Proviso for  
touching at  
intermediate  
Ports to fill up  
Water.

shall not be made of Fir or soft Wood Staves, nor be capable severally of containing more than Three hundred Gallons each.

**XXXI.** If any "Passenger Ship" shall be intended to call at any intermediate Port or Place during the Voyage, for the Purpose of taking in Water, and if an Engagement to that Effect shall be inserted in the Bond mentioned in the Fifty-ninth Section of this Act, then it shall be sufficient to place on board at the Port of Clearance such Supply of Water as may be requisite, according to the Rate herein-after mentioned, for the Voyage of the said Ship to such intermediate Port or Place, subject to the following Conditions ; (that is to say,)

First, That the Emigration Officer signify his Approval in Writing of the Arrangement, to be carried amongst the Papers of the Ship, and exhibited to the Chief Officer of Customs, or to Her Majesty's Consul, as the Case may be, at such intermediate Port or Place, and to be delivered to the Chief Officer of Customs, or to Her Majesty's Consul, as the Case may be, on the Arrival of the said Ship at the final Port or Place of Discharge ;

Secondly, That if the Length of either Portion of the Voyage, whether to such intermediate Port or Place, or from such intermediate Port or Place to the final Port or Place of Discharge, be not prescribed in or under the Provisions of this Act, the Emigration Officer at the Port of Clearance shall in every such Case declare the same :

Thirdly, That the Ship shall have on board, at the Time a Clearance is demanded, Tanks or Water Casks, of the Description herein-before mentioned, sufficient for stowing the Quantity of Water required for the longest of such Portions of the Voyage as aforesaid.

Dietary Scale  
for the Voyage.

**XXXII.** In addition to and irrespective of any Provisions of their own which any Passengers may have on board, the Master of every "Passenger Ship" shall make to each Statute Adult during the Voyage, including the Time of Detention, if any, at any Port or Place before the Termination of such Voyage, an Allowance of pure Water and sweet and wholesome Provisions, according to the following Dietary Scale :

DIETARY SCALE.

Weekly.	8 Quarts of Water daily.	} Per Statute Adult.
	2½ lbs. of Bread or Biscuit, not inferior in Quality to Navy Biscuit.	
	1 lb. Wheaten Flour,	
	5 lbs. Oatmeal.	
	2 lbs. Rice.	
	½ lb. Sugar.	
	2 oz. of Tea, or 4 oz. of Cocoa or of roasted Coffee.	
	2 oz. Salt.	

As to Articles  
which may be  
substituted for  
Oatmeal, Rice,  
and Potatoes.

The following Substitutions for Articles in the above Dietary Scale may be made, at the Option of the Master of any "Passenger Ship," provided that the substituted Articles be set forth in the Contract Tickets of the Passengers ; that is to say, 5 lbs. of good

good Potatoes, or  $\frac{1}{2}$  lb. of Beef or of Pork, exclusive of Bone, or of preserved Meat, or  $\frac{3}{4}$  lb. of dried Salt Fish, or 1 lb. of Bread or Biscuit not inferior in Quality to Navy Biscuit, or 1 lb. of best Wheaten Flour, or 1 lb. of Split Peas, for  $1\frac{1}{2}$  lb. of Oatmeal, or for 1 lb. of Rice; and  $\frac{1}{2}$  lb. of preserved Potatoes may be substituted for 1 lb. of Potatoes; but in Vessels clearing out from *Scotch* or *Irish* Ports the weekly Allowance of Oatmeal shall not be less than at the Rate of  $3\frac{1}{2}$  lbs. for each Statute Adult.

*Arrangements  
for the Ship.*  
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XXXIII. In every "Passenger Ship" the Issues of Provisions shall be made daily before Two o'Clock in the Afternoon, as near as may be in the Proportion of One Seventh of the weekly Allowance on each Day; the first of such Issues shall be made before Two o'Clock in the Afternoon of the Day of Embarkation, to such Passengers as shall be then on board; and all Articles which require to be cooked shall be issued in a cooked State.

Provisions to be issued daily, and Articles which require cooking to be cooked.

XXXIV. The said Colonial Land and Emigration Commissioners for the Time being, acting under the Authority of One of Her Majesty's Principal Secretaries of State, may, from Time to Time, by any Notice for that Purpose, issued under the Hands of any Two of such Commissioners, and published in the *London Gazette*, authorize the Issue of Provisions in any "Passenger Ship" according to such other Dietary Scale (besides the One herein-before prescribed) as shall in their Opinion contain in the whole an equivalent Amount of wholesome Nutriment; and after the Publication of such Notice it shall be lawful for the Master of any "Passenger Ship" to issue Provisions to his Passengers either according to the Scale by this Act prescribed, or according to the Scale authorized by the said Commissioners, whichever may have been set forth in the Contract Tickets of the Passengers: Provided always, that the said Commissioners acting under such Authority and by such Notice as aforesaid may revoke or alter any such Dietary Scale authorized by them, as Occasion may require.

Emigration Commissioners may authorize an alternative Dietary Scale.

Dietary Scale may be revoked, &c.

XXXV. Every "Passenger Ship" carrying as many as One hundred Statute Adults shall have on board a seafaring Person, who shall be rated in the Ship's Articles as Passengers Steward, and who shall be approved by the Emigration Officer at the Port of Clearance, and who shall be employed in messing and serving out the Provisions to the Passengers, and in assisting to maintain Cleanliness, Order, and good Discipline among the Passengers, and who shall not assist in any way in navigating or working the Ship.

As to Appointment of Passengers Stewards.

XXXVI. Every "Passenger Ship" carrying as many as One hundred "Statute Adults" shall also have on board a seafaring Man, or if carrying more than Four hundred "Statute Adults," Two seafaring Men, to be rated and approved as in the Case of Passengers Stewards, who shall be employed in cooking the Food of the Passengers: A convenient Place for cooking shall also be set apart on Deck; and a sufficient cooking Apparatus, properly covered in and arranged, shall be provided, to the Satisfaction of the said Emigration Officer, together with a proper Supply of Fuel adequate, in his Opinion, for the intended Voyage.

As to Appointment of Passengers Cook and providing cooking Apparatus.

XXXVII. In every Foreign "Passenger Ship" in which as many as One Half of the Passengers shall be *British* Subjects, unless

In what Cases Interpreters to be carried.

*Arrangements  
for the Ship.*

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unless the Master and Officers or not less than Three of them shall understand and speak intelligibly the *English Language*, there shall be carried, where the Number of Passengers does not exceed Two hundred and fifty, One Person, and where it exceeds Two hundred and fifty, Two Persons, who understand and speak intelligibly the Language spoken by the Master and Crew and also the *English Language*, and such Persons shall act as Interpreters, and be employed exclusively in attendance on the Passengers, and not in the working of the Ship; and the Master of any such Foreign Ship clearing out or proceeding to Sea without having such Interpreter or Interpreters on board as aforesaid shall be liable, on Conviction, as herein-after mentioned, to a Penalty not exceeding Fifty Pounds nor less than Five Pounds.

*In what Cases  
a Medical Man  
must be carried.*

XXXVIII. Every "Passenger Ship" shall carry a duly qualified Medical Practitioner in the following Cases, who shall be rated on the Ship's Articles:

First, when the Duration of the intended Voyage, as herein-before computed, exceeds Eighty Days in the Case of Ships propelled by Sails, and Forty-five Days in the Case of Ships propelled by Steam Engines, and the Number of Persons on board (including Cabin Passengers, Officers, and Crew,) exceeds Fifty:

Second, when the intended Voyage is to *North America*, and the Number of Passengers exceeds One hundred "Statute Adults," and the Space allotted to such Passengers on the "Passenger Decks" is less than Fourteen clear Superficial Feet for each "Statute Adult:"

Third, when, whatever may be the Destination of the Ship, or the Space allotted to the Passengers, the Number of Persons on board (including Cabin Passengers, Officers, and Crew,) exceeds Five hundred.

*Qualification  
of Medical Man.*

XXXIX. No Medical Practitioner shall be considered to be duly qualified for the Purposes of this Act unless authorized by Law to practise in the United Kingdom, or, in the Case of a Foreign Ship, in the Country to which such Ship may belong, as a Physician, Surgeon, or Apothecary, nor unless his Name shall have been notified to the Emigration Officer at the Port of Clearance, and shall not be objected to by him, nor unless he shall be provided with proper surgical Instruments to the Satisfaction of such Officer.

*As to Supply  
of Medicines,  
&c.*

XL. The Owner or Charterer of every "Passenger Ship" shall provide for the Use of the Passengers a Medicine Chest containing a Supply of Medicines, Instruments, and other Things proper and necessary for Diseases and Accidents incident to Sea Voyages, and for the Medical Treatment of the Passengers during the Voyage, including an adequate Supply of disinfecting Fluid or Agent, together with printed or written Directions for the Use of the same respectively; and such Medicines and other Things shall be good in Quality, and, in the Judgment of the Emigration Officer at the Port of Clearance, sufficient in Quantity, for the probable Exigencies of the intended Voyage, and shall be placed under the Charge of the Surgeon, when there is One on board, to be used at his Discretion.

XLI. No

**XLII.** No "Passenger Ship," except as herein-after provided, shall clear out or proceed to Sea until some Medical Practitioner, to be appointed by the Emigration Officer at the Port of Clearance, shall have inspected the Medicine Chest of the said Ship, and also all the Passengers and Crew about to proceed in her, and shall certify to the said Emigration Officer that the said Ship contains a sufficient Supply of Medicines, disinfecting Fluid or Agent, Instruments, and other Things requisite for the Medical Treatment of the Passengers during the intended Voyage, and that none of the Passengers or Crew appear likely, by reason of being affected by any infectious or other Disease, to endanger the Health of the other Persons about to proceed in such Vessel: Such Medical Inspection of the Passengers shall take place either on board the Vessel, or, at the Discretion of the said Emigration Officer, at such convenient Place on shore before Embarkation as he may appoint; and the Master, Owner, or Charterer of the Ship shall pay to such Emigration Officer a Sum at the Rate of Twenty Shillings for every Hundred Statute Adults so examined: Provided also, that in case the Emigration Officer on any particular Occasion shall be unable to obtain the Attendance of such Medical Practitioner, it shall be lawful for the Master of any such Ship to clear out and proceed to Sea, on receiving from the said Emigration Officer written Permission for the Purpose.

**XLII.** If any such Medical Practitioner shall notify to the Emigration Officer at the original Port of Clearance, or at any other Port or Place in the United Kingdom into which the Vessel may subsequently put, or if the said Emigration Officer shall be otherwise satisfied, that any Person about to proceed in any such "Passenger Ship" is unfit by reason of Sickness, or is likely, by reason of being affected by any infectious or other Disease, to endanger the Health of the other Persons on board, it shall be lawful for such Officer to reland or cause to be relanded any such Person, and such Members of his Family, if any, as may be dependent on him, or as may be unwilling to be separated from him, together with their Clothes and Effects; and no "Passenger Ship" shall clear out or proceed to Sea so long as any such diseased Person shall be on board.

**XLIII.** Any Passenger so relanded, or any Emigration Officer on his Behalf, shall be entitled to recover, by summary Process, in manner herein-after provided, the whole of the Monies which may have been paid by or on account of such Passenger for his Passage, from the Party to whom the same may have been paid, or from the Owner, Charterer, or Master of such Ship, or any of them, at the Option of such Passenger or Emigration Officer.

**XLIV.** If any intending Passenger, either by himself or by any other Person, shall have contracted for a Passage for himself, or for him and his Family, in any Ship proceeding on any Voyage to which this Act extends, and shall be at the Place of Embarkation at the Time appointed for that Purpose in and by such Contract, and shall apply for such Passage, and shall, on Demand, pay or tender such Part of the Passage Money not already paid as shall be payable under such Contract previously to Embarkation, and if, owing to the previous Departure of the Ship in which such Passage shall have been engaged, or to the Want of Room therein,

*Arrangements  
for the Ship.*

As to Medical  
Inspection of  
Passengers and  
Medicines.

Proviso where  
no Medical  
Practitioner  
can be obtained.

Diseased Pas-  
sengers may be  
relanded.

*Passengers  
Rights.*

Return of Pas-  
sage Money to  
Passengers re-  
landed.

Return of Pas-  
sage Money and  
Compensation  
to Passengers  
where Passages  
not provided  
for them accord-  
ing to Contract.

*Passengers  
Rights.*

Governors or Consuls may send on ship-wrecked Passengers, if the Master of the Ship fail to do so.

Expenses incurred under the Two preceding Sections to be a Crown Debt.

Passengers forwarded by Governor, &c. not entitled to Return of Passage Money.

Insurance of Passage Money not void on account of Risk.

*Miscellaneous.*

Wrongfully landing Passengers.

sions, for the Governor of such Colony, or for any Person authorized by him for the Purpose, or if in any Foreign Country, for Her Majesty's Consul, or Vice Consul, at such Port or Place therein, to defray all or any Part of the Expenses incurred by such Conveyance.

XLIX. If any Passengers of any "Passenger Ship" shall, without any Neglect or Default of their own, find themselves within any Colonial or Foreign Port or Place other than that at which they may have contracted to land, and the Master of such Ship shall decline or omit within Six Weeks thereafter to forward or carry them on to their original Destination, it shall be lawful for the Governor of such Colony, or for any Person authorized by him for the Purpose, or for Her Majesty's Consul or Vice Consul at such Foreign Port or Place, as the Case may be, to forward such Passengers to their intended Destination.

L. All Expenses incurred under the last Two preceding Sections or either of them, by or by the Authority of such Secretary of State, Governor, Consul, or Vice Consul as aforesaid, including the Cost of maintaining the Passengers until forwarded to their Destination, and of all necessary Bedding, Provisions, and Stores, shall become a Debt to Her Majesty and Her Successors from the Owner, Charterer, and Master of such Ship, and shall be recoverable from them, or from any One or more of them, at the Suit and for the Use of Her Majesty, in like Manner as in the Case of other Crown Debts; and a Certificate purporting to be under the Hand of any such Secretary of State, Governor, or Consul, or Vice Consul, (as the Case may be,) stating the total Amount of such Expenses, shall in any Suit or other Proceeding for the Recovery of such Debt be deemed sufficient Evidence of the Amount of such Expenses, and that the same were duly incurred, without any Proof of the Handwriting or of the official Character of the Secretary of State, Governor, Consul, or Vice Consul who may have signed such Certificate: Provided nevertheless, that in no Case shall any larger Sum be recovered on account of such Expenses than a Sum equal to the Amount originally paid for the Passage of the Passengers who may be so forwarded or conveyed as aforesaid; which original Amount of Passage Money shall be proved by the Defendant, if he will have the Advantage of this Limitation of the Debt; but if any such Passengers are forwarded or conveyed to their intended Destination under the Provisions of the last preceding Section, they shall not be entitled to the Return of their Passage Money, or to any Compensation for Loss of Passage under the Provisions of this Act.

LI. No Policy of Assurance effected in respect of any Passages, or of any Passage or Compensation Monies, by any Person by this Act made liable, in the Events aforesaid, to provide such Passages or to pay such Monies, shall be deemed to be invalid by reason of the Nature of the Risk or Interest sought to be covered by such Policy of Assurance.

LII. No Passenger in any Ship, whether a "Passenger Ship" or otherwise, shall be landed, without his previous Consent, at any Port or Place other than the Port or Place at which he may have contracted to land.

LIII. Every

LIII. Every Passenger in a "Passenger Ship" shall be entitled, for at least Forty-eight Hours next after his Arrival at the End of his Voyage, to sleep in the Ship, and to be provided for and maintained on board thereof, in the same Manner as during the Voyage, unless within that Period the Ship shall quit such Port or Place in the further Prosecution of her Voyage.

Passengers to be maintained for 48 Hours after Arrival.

LIV. Nothing herein contained shall take away or abridge any Right of Action which may accrue to any Passenger in any Ship, or to any other Person, in respect of the Breach or Nonperformance of any Contract made or entered into between or on behalf of any such Passenger or other Person, and the Master, Charterer, or Owner of any such Ship, or his or their Agent, or any Passage Broker.

Passengers Right of Action preserved.

LV. It shall be lawful for Her Majesty and Her Successors, by any Order in Council to be by Her or Them made, with the Advice of the Privy Council, to prescribe such Rules and Regulations as to Her Majesty or Her Successors may seem fit, for preserving Order, for promoting Health, and for securing Cleanliness and Ventilation, on board of "Passenger Ships" proceeding from the United Kingdom to any Port or Place in Her Majesty's Possessions abroad, and the said Rules and Regulations from Time to Time in like Manner to alter, amend, and revoke, as Occasion may require; and any Copy of such Order in Council contained in the "*London Gazette*," or purporting to be printed by the Queen's Printer, shall throughout Her Majesty's Dominions be received in all legal Proceedings as good and sufficient Evidence of the making and Contents of any such Order in Council.

Her Majesty may, by Orders in Council, prescribe Rules for preserving Order, &c. in Vessels bound to the Colonies.

What shall be Evidence of Orders, &c.

LVI. In every such "Passenger Ship" the Medical Practitioner on board, aided by the Master thereof, or, in the Absence of such Medical Practitioner, the Master of such Ship, is hereby empowered to exact Obedience to all such Rules and Regulations as aforesaid; and any Person on board who shall neglect or refuse to obey any such Rule or Regulation, or who shall obstruct the Medical Practitioner or Master of such Ship in the Execution of any Duty imposed upon him by any such Rule or Regulation, or who shall be guilty of riotous or insubordinate Conduct, shall be liable for each Offence to a Penalty not exceeding Two Pounds Sterling, and, in addition thereto, to be confined in the Common Gaol for any Period not exceeding One Month, at the Discretion of the Justices who shall adjudicate on the Complaint.

Surgeon or Master to exact Obedience to Rules and Regulations.

Penalty.

LVII. The said Colonial Land and Emigration Commissioners shall from Time to Time prepare such Abstracts as they may think proper of the whole or any Part of this Act, and of any such Order in Council as aforesaid; and Four Copies of such Abstracts, together with a Copy of this Act, shall, on Demand, be supplied by the Principal Officer of Customs at the Port of Clearance to the Master of every "Passenger Ship" proceeding from the United Kingdom to any Port or Place in Her Majesty's Possessions abroad; and such Master shall, on Request made to him, produce a Copy of the Act to any Passenger on board, for his Perusal, and, further, shall post, previous to the Embarkation of the Passengers, and shall keep posted so long as any Passenger shall be entitled to remain in the Ship, in at least Two conspicuous Places between the Decks on which Passengers may be carried,

Emigration Commissioners to prepare an Abstract of Act and Orders in Council.

Such Abstract to be posted up in each Ship.

Copies



Penalty on Master for Neglect ;

and on Person defacing Abstract.

Sale of Spirits prohibited.

Penalty.

Bond to be given by Masters of British and Foreign Passenger Ships.

Counterpart of Bond to be certified, and sent to the Colony to which Foreign Ship bound, and to be received in Evidence without further Proof of Execution.

Copies of such Abstracts ; and such Master shall be liable to a Penalty not exceeding Forty Shillings Sterling for every Day during any Part of which by his Act or Default such Abstracts shall fail to be so posted ; and any Person displacing or defacing such Abstracts so posted shall be liable to a Penalty not exceeding Forty Shillings Sterling.

LVIII. If in any "Passenger Ship" any Person shall during the Voyage, directly or indirectly, sell or cause to be sold any Spirits or Strong Waters to any Passenger, he shall be liable for every such Offence to a Penalty not exceeding Twenty Pounds nor less than Five Pounds Sterling.

LIX. Before any "Passenger Ship" shall clear out or proceed to Sea, the Owner or Charterer, or, in the event of the Absence of such Owner or Charterer, One good and sufficient Person on his Behalf, to be approved by the Chief Officer of Customs at the Port of Clearance, shall, with the Master of the said Ship, enter into a joint and several Bond, in the Sum of One thousand Pounds, to Her Majesty, Her Heirs and Successors, according to the Form contained in Schedule (B.) hereto annexed, the Condition of which Bond shall be, that the said Ship is in all respects seaworthy, and that, notwithstanding any Penalty by this Act imposed, and whether the same may have been sued for and recovered or not, all and every the Requirements of this Act (except such as relate exclusively to Passage Brokers), and of the said Colonial Land and Emigration Commissioners acting in the Manner prescribed by this Act, and of any Order which may at the Date of such Bond have been passed by Her Majesty in Council in virtue of this Act, shall in all respects be well and truly fulfilled and performed, and in the Case of any Foreign "Passenger Ship" which shall be bound to any of Her Majesty's Possessions abroad, that the Master thereof shall submit himself in like Manner as a *British* Subject, being the Master of a *British* "Passenger Ship," to the Jurisdiction of such Courts and Magistrates in Her Majesty's Possessions abroad as are by this Act empowered to adjudicate on Offences committed against this Act, and moreover that the Master, whether of a *British* or Foreign "Passenger Ship," shall well and truly pay all Penalties, Fines, and Forfeitures which he may be adjudged to pay, either in the United Kingdom or by any such Tribunal abroad, for or in respect of the Breach or Nonperformance of any of the Requirements of this Act, or of the said Commissioners, or of any such Order in Council : Such Bond shall not be liable to Stamp Duty, and shall be executed in Duplicate.

LX. It shall be the Duty of the Chief Officer of Customs at the Port of Clearance of any Foreign "Passenger Ship" bound to any of Her Majesty's Possessions abroad, to certify on One Part of such Bond that it has been duly executed by the said Master of such Ship and the other Obligor, and to forward the same by Post to the Colonial Secretary of the Colony to which such Foreign "Passenger Ship" may be bound ; and such Certificate shall, in any Colonial Court of Judicature in which the Bond may be put in suit, be deemed conclusive Evidence of the due Execution of the Bond by the said Master and the other Obligor, and it shall not be necessary to prove the Handwriting of the Officer of Customs

Customs who may have signed such Certificate, nor that he was at the Time of signing it Chief Officer of Customs at the Port of Clearance; provided that no such Bond shall be put in suit in any of Her Majesty's Possessions abroad after the Expiration of Three Calendar Months next after the Arrival therein of the said Ship, nor in the United Kingdom after the Expiration of Twelve Calendar Months next after the Return of the said Ship or of the said Master to the United Kingdom.

LXI. No Person whatever, except the Colonial Land and Emigration Commissioners, or Persons contracting with them or acting under their Authority, shall directly or indirectly act as a Passage Broker in respect of Passages from the United Kingdom to any Place out of *Europe*, and not being within the *Mediterranean Sea*, or shall sell or let, or agree to sell or let, or be in anywise concerned in the Sale or Letting of Passages in any Ship, whether a "Passenger Ship" or otherwise, proceeding from the United Kingdom to any such Place as aforesaid, unless such Person, with Two good and sufficient Sureties, to be approved by the Emigration Officer at the Port nearest to the Place of Business of such Person, shall have previously entered into a joint and several Bond, in the Sum of Five hundred Pounds, to Her Majesty, Her Heirs and Successors, according to the Form contained in Schedule (C.) hereto annexed, which Bond shall be renewed on each Occasion of obtaining such Licence as herein-after mentioned, and shall be in Duplicate, without Stamps, and One Part thereof shall be deposited at the Office in *London* of the said Colonial Land and Emigration Commissioners, and the other Part thereof with the Chief Officer of Customs at the Port nearest to the Place of Business of such Person; nor unless such Person shall have obtained a Licence, as herein-after mentioned, to let or sell Passages, nor unless such Licence shall then be in force; and if any Person shall offend against this Enactment, every Person so offending shall for each Offence be liable to a Penalty not exceeding Fifty Pounds nor less than Twenty Pounds, to be sued for and recovered as herein-after mentioned: Provided always, that such Bond shall not be required of any Person who shall be One of the Sworn Brokers of the City of *London*.

LXII. Any Person wishing to obtain a Licence to act as a Passage Broker in respect of Passages from the United Kingdom to any Place out of *Europe*, and not being in the *Mediterranean Sea*, shall make Application for the same to the Justices at the Petty Sessions held for the District or Place in which such Person shall have his Place of Business; and such Justices are hereby authorized (if they shall think fit) to grant a Licence for that Purpose, according to the Form in the Schedule (D.) hereunto annexed, which Licence shall continue in force until the Thirty-first Day of *December* in the Year in which such Licence shall be granted, and for Thirty-one Days afterwards, unless sooner forfeited, as herein mentioned; and upon granting such Licence the Justices shall cause a Notice thereof according to the Form in Schedule (E.) hereto annexed to be transmitted forthwith by the Post to the said Colonial Land and Emigration Commissioners at their Office in *London*: Provided always, that no such Licence shall be granted unless the Party applying for the same shall show

Miscellaneous.

Passage Broker.

No Person to act as a Passage Broker without a Licence.

How Passage Brokers Licences may be obtained.

Justices to give Notice to Emigration Commissioners of Licence granted.

Notice to be given of in-

tended Appli-  
cation for Li-  
cences.

Justices may  
order Licences  
to be forfeited ;

and Notice to  
be given to  
Emigration  
Commissioners.

Application for  
Licences in  
Scotland.

Existing Li-  
cences to con-  
tinue in force  
until 1st Feb.  
1853.

Contract  
Tickets for  
Passages.

Penalty for  
Default.

Penalty for  
inducing any  
one to part  
with Contract  
Ticket.

show to the Satisfaction of the Justices that he has given such Bond to Her Majesty, Her Heirs and Successors, as herein-before required, and has deposited One Part thereof at the Office in *London* of the said Commissioners, or is a Sworn Broker of the City of *London*, and has in either Case given Notice to the said Commissioners Fourteen clear Days at least before such Application of his Intention to apply for the same, which Notice shall be transmitted by the Post to the Office in *London* of the said Commissioners, and shall be according to the Form contained in the Schedule (F.) hereto annexed : Provided also, that any Justices of the Peace who shall adjudicate on any Offence against this Act, or on any Breach or Nonperformance of any of the Requirements thereof, are hereby authorized, if they shall think fit, and the Offender is a Passage Broker, to order his Licence to be forfeited, and the same shall thereupon be forfeited accordingly ; and the said Justices making such Order shall forthwith cause Notice of such Forfeiture, in the Form contained in the Schedule (G.) hereunto annexed, to be transmitted by the Post to the said Commissioners at their Office in *London* : In *Scotland*, where any Person wishing to obtain such Licence shall make Application for the same to the Sheriff or Steward or Sheriff Substitute or Steward Substitute in place of to such Justices of the Peace as aforesaid, the Forms given in the said Schedule shall still be adhered to, with such Alterations as may be necessary.

LXIII. Every Passenger Broker's Licence in force at the Commencement of this Act shall, unless adjudged to be forfeited, continue in force until the First Day of *February* One thousand eight hundred and fifty-three, but no longer ; and all Acts done under such Licence while in force shall be as valid as if done under any Licence granted under this Act.

LXIV. If any Owner, Charterer, or Master of a Ship, or any Passage Broker, or Agent, or other Person, shall receive Money from any Person for or in respect of a Passage or intended Passage from the United Kingdom to any Port or Place out of *Europe*, and not being within the *Mediterranean Sea*, the Person so receiving such Money shall give to the Party from whom the same shall have been received, a Contract Ticket in plain and legible Characters, and made out upon a printed Form, which shall be in all respects according to the Form in the Schedule (H.) hereto annexed, or according to such other Form as may from Time to Time be prescribed by the said Colonial Land and Emigration Commissioners, in any Notice issued under their Hands or the Hands of any Two of them, and published in the "*London Gazette*," and shall also comply with all the Directions contained on the Face of such Form, and in default thereof shall be liable to a Penalty, not exceeding Ten Pounds nor less than Five Pounds, in respect of each Passenger on account of whose Passage such Money shall have been received, to be sued for and recovered as herein-after is mentioned : Provided always, that such Contract Ticket shall not be liable to any Stamp Duty.

LXV. Any Person who shall fraudulently alter or cause to be altered, after it is once issued, or shall induce any Person to part with, render useless, or destroy, any such Contract Ticket, during the Continuance of the Contract which it is intended to evidence, shall

shall be liable in each Case to a Penalty not exceeding Five Pounds nor less than Two Pounds, to be recovered as herein-after mentioned.

*Passage Broker.*

LXVI. If any licensed Passage Broker shall, as Agent for any Person, whether a licensed Broker or not, receive Money for or on account of the Passage of any Passenger from the United Kingdom to any Port or Place out of *Europe*, and not being within the *Mediterranean Sea*, without having a written Authority to act as such Agent, or shall, on the Demand of any Emigration Officer, refuse or fail to exhibit his Licence and such written Authority, or if any Person whatever, whether licensed or not, shall receive Money for or on account of any such Passage, or if any Person, whether as Principal or Agent, shall by any Fraud, or by false Representation as to the Size of the Ship or otherwise, or by any false Pretence whatsoever, induce any Person to engage any Passage as aforesaid, every such Broker or other Person shall be liable, upon Conviction, as herein-after is mentioned, in respect of every such Offence, to a Penalty not exceeding Twenty Pounds nor less than Five Pounds, to be sued for and recovered in manner herein-after mentioned.

Penalties on Agents acting without written Authority from Principals ;

and on Persons fraudulently inducing others to engage Passages.

LXVII. No Person, unless acting under the written Authority and as the Agent or Runner of a licensed Passage Broker, duly qualified at the Time to act in that Capacity, (which Authority shall be countersigned by an Emigration Officer,) shall be entitled to recover by legal Process from any intending Emigrant, or from any Passage Broker or other Person, any Fee, Commission, or Reward for or in consideration of any Service rendered or performed to or for any Passenger or Person seeking Information or Assistance in any way relating to Emigration ; and every such Runner shall exhibit such Authority, when required so to do by any Justice of the Peace, or any Constable or Police Officer, or any Owner, Charterer, Master, or Mate of a "Passenger Ship," or by any such intending Emigrant, and if he shall refuse or omit to produce the same, when so required, he shall be liable to a Penalty for every such Offence not exceeding Twenty Shillings, to be sued for and recovered in manner herein-after mentioned.

No Runner entitled to Commission or Fee for Services to Emigrants, unless acting with Authority from a Broker.

LXVIII. Every licensed Passage Broker shall exhibit and keep constantly exhibited in some conspicuous Place in his Office or Place of Business a correct List containing the Names and Addresses in full of every Person for the Time being holding such Authority to act as Agent or Runner for him as aforesaid, and shall at least once in every Month transmit a true Copy of such List duly signed by him to the Emigration Officer stationed nearest to the Place of Business of such licensed Passage Broker ; and in case of any Default herein such licensed Passage Broker shall be liable, on Conviction, as herein-after mentioned, to a Penalty not exceeding Five Pounds nor less than Two Pounds for each Offence.

List of Runners to be exhibited by Brokers, and sent to Emigration Officers.

LXIX. It shall be lawful for the Trustees or other Persons charged with the Management of any Docks or Basins in any Port within the United Kingdom from which "Passenger Ships" are despatched to make, and from Time to Time to alter, amend, or repeal, such Rules and Byelaws as may be necessary for prescribing the Docks, Basins, or other Places at which Persons

Trustees of Docks may pass Byelaws for regulating the Landing and Embarkation of intending

Emigrants, and  
for licensing  
Emigrant Por-  
ters.

arriving by Sea at such Ports for the Purpose of emigrating, or actually emigrating therefrom, shall be landed and embarked, and the Mode of their Landing and Embarkation, and for licensing Porters to carry their Luggage and otherwise to attend upon them, and for the Storing and safe Custody of their Luggage, and for admitting Persons to and excluding Persons from Access to such Docks or Basins, and for attaching a Penalty not exceeding Five Pounds for the Breach of any of such Rules or Byelaws, such Penalty to be sued for and recovered as other Penalties are by this Act directed to be recovered: And it shall further be lawful for such Trustees, by their Officers or Servants, or by any Police Officer, to arrest and detain any Person charged with the Breach of any such Rule or Byelaw until brought before any Justice of the Peace, who is hereby authorized to adjudicate on the Offence in a summary Way: Provided that no such Rules or Byelaws shall take effect until they shall have been approved by One of Her Majesty's Principal Secretaries of State, and published by his Authority in the *London Gazette*, which Publication shall for all Purposes be deemed conclusive Evidence of such Rules and Byelaws, and of the Approval thereof by such Secretary of State.

Byelaws to be  
approved by  
Secretary of  
State, and pub-  
lished in Lon-  
don Gazette.

#### *Penalties.*

Penalties on  
Masters of  
Ships for fol-  
lowing Offences.

LXX. A Penalty not exceeding Fifty Pounds nor less than Five Pounds Sterling is hereby imposed on the Master of any Ship or "Passenger Ship," as the Case may be, coming within the Provisions of this Act, who shall be convicted in manner herein-after mentioned of any One of the following Offences; that is to say,

Inspection of  
Ships.

If in any Ship, whether a "Passenger Ship" or otherwise, fitting or intended for the Carriage of Passengers, or which shall carry Passengers on any Voyage to which any of the Provisions of this Act may extend, every such Facility for Inspection shall not be afforded as herein-before required; or if Passengers be carried on any other than the "Passenger Decks," as herein-before required; or if a Clearance be demanded for any Ship, whether a "Passenger Ship" or otherwise, before such Lists of Passengers shall be signed and delivered to the proper Officer as herein-before required; or if at any Time during the Voyage all such Additions to the "Masters Lists" shall not be made, or if such additional or separate Lists shall not be duly signed and delivered to the proper Officer, as herein-before required, or if any such List or any Additions to the same shall not be duly exhibited to or deposited with the proper Officer at any Port or Place as herein-before required, or if any of such Lists, or the Additions thereto respectively, shall be wilfully false; or if any "Passenger Ship" shall clear out or proceed to Sea without having been duly surveyed as herein-before required; or if at the Time of Clearance or at any Time during the Voyage the Beams on which the "Passenger Decks" are supported in any such "Passenger Ship" shall not form Part of her permanent Structure, and be secured as herein-before required; or if the "Passenger Decks" shall not be of the Thickness and laid or secured in such Manner as herein-before required; or if the Height between any Deck on which

Carriage of Pas-  
sengers on other  
than Passenger  
Decks.

Passengers  
Lists.

Additional Pas-  
sengers Lists.

Survey.

Beams.

Decks.

Height between  
Decks.

*Penalties.**Berths.**Hospital.**Privies.**Access to the  
Between Decks.**Boats, Life  
Buys, Night  
Signals, and  
Fire Engines.**Manning.**Cargo.**Issue of Provi-  
sions and Water.**Water Casks.**Cook and Cook-  
ing Apparatus.**Surgeon.**Medicines.**Medical Inspec-  
tion.*

which Passengers may lawfully be carried and the Deck immediately above it shall be less than Six Feet ; or if there shall be more than Two Tiers of Berths on any One Deck, or if such Berths shall not be securely constructed, or shall not be of such Dimensions as herein-before required, or if there shall not be such an Interval between the Deck and the Floor of the Berths as is herein-before required ; or if the Passengers be berthed contrary to the Requirements of this Act ; or if the unmarried Male Passengers of Fourteen Years of Age and upwards shall not be berthed in such separate Compartments as herein-before required ; or if any of the Berths shall be taken down, contrary to the Requirement in that Behalf herein-before contained ; or if in any " Passenger Ship " a Space shall not be properly divided off and set apart for a Hospital, as herein-before required ; or if before Clearance any Passenger Ship shall not be fitted with Privies, or if the same shall not throughout the Voyage be maintained in a serviceable Condition, as herein-before required ; or if the Passengers shall not have free Access to or from the Between Decks, in the Manner herein-before required ; or if any " Passenger Ship," at the Time of Clearance, or at any Time during the Voyage, shall not have on board such Boats and Life Buys, and such adequate Means for making Signals by Night, and for extinguishing Fire, as herein-before required ; or if any " Passenger Ship " shall proceed to Sea without being properly manned, or shall have on board as Cargo, or as Ballast, any Articles by this Act prohibited, or any Articles likely by reason of their Nature or Quality to endanger the Health or Lives of the Passengers, or the Safety of the Ship, as herein-before mentioned, or if any Part of the Cargo, or of the Provisions, Water, or Stores, shall be carried on the Upper Deck or on the " Passengers Decks," contrary to the Provisions of this Act ; or if in any " Passenger Ship," at any Time during the Voyage, Water and Provisions of the Description, Quantity, and Quality required by or under this Act, shall not be issued in the Quantities and in manner herein-before required ; or if bad or unwholesome Provisions be issued to any Passenger, contrary to the Requirements of this Act ; or if the Water shall not be carried in such Tanks or Casks as herein-before required ; or if, in the Cases respectively herein-before mentioned, there shall not be on board of any " Passenger Ship " at the Time of Clearance, and at all Times during the Voyage, such Passengers Steward and such Passengers Cook or Cooks, as the Case may be, and such Place for cooking, and cooking Apparatus, as herein-before required ; and such duly qualified Medical Practitioner as herein-before required ; or if there shall not be on board of any " Passenger Ship " such Medicines, disinfecting Fluid or Agent, Instruments, and Medical Apparatus, and such printed or written Directions for the Use of the same respectively, as may at any Time be required by or under the Provisions of this Act ; or if any " Passenger Ship," except as herein-before provided, shall clear out or proceed to Sea before such Medical Inspection

**Penalties.**

or Adjudication, or any Minute thereof, may not have been served,) to cause the Party offending to be committed to Gaol, there to be imprisoned, with or without Hard Labour, according to the Discretion of such Justices, for any Term not exceeding Three Calendar Months, unless such Monies and Costs be sooner paid and satisfied: Provided always, that in all Proceedings taken under this Act for which no Form is herein expressly provided it shall be lawful to use Forms similar, as nearly as Circumstances will admit, to those contained in the Schedule to an Act passed in the Session of Parliament holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-three.

Police and Stipendiary Magistrates, and in Scotland Sheriffs, &c., to have the same Powers as Justices of the Peace.

LXXIV. Every Police or Stipendiary Magistrate, and in *Scotland* every Sheriff or Steward and Sheriff Substitute or Steward Substitute of a County or Stewartry within his own County or Stewartry, shall have such and the like Powers, Privileges, and Functions, and be entitled to exercise such and the like Jurisdiction under this Act, as any Justice or Two Justices, or Justices at Petty Sessions, have or is or are entitled to exercise under the Provisions of this Act; and all Acts, Matters, and Things competent to be done under the Provisions of this Act by or before any Justice or Two Justices of the Peace, or Justices at Petty Sessions, or otherwise, may be done by and before any Police or Stipendiary Magistrate, and in *Scotland* by and before any Sheriff or Steward or Sheriff Substitute or Steward Substitute within his own County or Stewartry.

No Objection to be allowed, nor Convictions to be quashed for Want of Form.

LXXV. No Objection shall be taken or allowed to any Complaint, Information, Summons, or Warrant under this Act, for any alleged Defect therein, either in Substance or in Form, or for any Variance between such Complaint or Information and the Evidence adduced on the Hearing thereof; but if any Variance shall appear to the Justice or Justices present and acting at such Hearing to be such that the Party so summoned and appearing has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such Terms as he or they shall think fit, to adjourn the Hearing of the Case to some future Day, and in the meantime to commit the Defendant to such safe Custody as the said Justice or Justices may think fit, or to discharge him upon his Recognizance, with or without Sureties, to appear at such Time and Place as may be appointed: No Conviction, Order, Adjudication, or other Proceeding under or in pursuance of this Act shall be quashed or vacated for Want of Form.

Application of Penalties.

LXXVI. All Penalties imposed by this Act shall, when recovered, be paid to the Party at whose Suit the same shall have been recovered, for the Use of Her Majesty and Her Successors, and if recovered in the Colonies shall be paid over by the Party receiving the same into the Colonial Treasury, and shall form Part of the general Revenue of the Colony, and if recovered in the United Kingdom shall be paid over to the Colonial Land and Emigration Commissioners if the Party at whose Suit the same shall have been recovered be an Emigration Officer, or his Assistant, and to Her Majesty's Commissioners of Customs if the Party at whose Suit the same shall have been recovered be an Officer of Customs, to be by such Colonial Land and Emigration Commissioners

Commissioners and Commissioners of Customs respectively duly accounted for ; and all such Penalties as may be recovered in the United Kingdom shall be appropriated to such Purposes and in such Manner as the Lord High Treasurer or the Commissioners of Her Majesty's Treasury may from Time to Time direct and appoint : Provided always, that it shall be lawful for the Justices of the Peace who shall impose any such Penalty at the same Time to direct, if they shall think fit, that a Part, not exceeding One Moiety thereof, be applied to compensate any Passenger for any Wrong or Damage which he may have sustained by the Act or Default in respect of which such Penalty or Forfeiture shall have been imposed.

**Penalties.**

Justices may award Compensation out of Penalties to Partyaggrieved.

LXXVII. If in any Suit, Action, Prosecution, or other legal Proceeding under this Act any Question shall arise whether any Ship was or was not exempted from the Provisions of this Act, or any of them, the Burden of proving that such Ship was so exempted shall lie on the Party claiming the Benefit of the Exemption, and failing such Proof it shall for any such Purpose as aforesaid be taken and adjudged that the Ship did come within the Provisions of this Act ; and it shall not be necessary, in any Information, Complaint, or other Process or Proceeding, to negative any Exemption, Proviso, or Condition contained in any Section of this Act on which such Information, Complaint, or other Process or Proceeding shall be framed, neither shall it be necessary for the Complainant to prove the Negative, but the Defendant may prove the Affirmative thereof, if he will have Advantage of the same.

Burden of Proof to be on Persons claiming Exemption from Act.

Proof of Negatives.

LXXVIII. If in any Proceeding before any Justice or Justices of the Peace under this Act, or upon any Action, Suit, or other Proceeding whatsoever, against any Person, for anything done either contrary to or in pursuance of this Act, a Question should arise whether any Person is an Emigration Officer or Assistant Emigration Officer, or an Officer of Customs, *visâ voce* Evidence may be given of such Fact by the Officer himself, and shall be deemed legal and sufficient Evidence.

Proof of a Party being an Emigration Officer, &c.

LXXIX. Any Passenger suing under this Act for any Sum of Money made recoverable by this Act as Passage Money, Subsistence Money, or Compensation, shall not be deemed an incompetent Witness in any Proceeding for the Recovery thereof, notwithstanding the same, if recovered, shall be applicable to his own Use and Benefit.

Passengers suing not incompetent Witnesses.

LXXX. No Plaintiff shall recover in any Action against any Emigration Officer, his Assistant, Government Emigration Agent, or Officer of Customs, or other Person, for anything done in pursuance of this Act, if Tender of sufficient Amends shall have been made before such Action brought, or if, after Action brought, a sufficient Sum of Money shall have been paid into Court, by or on behalf of the Defendant.

Tender of Amends.

LXXXI. No Action or Suit shall be commenced against any Emigration Officer, his Assistant, Government Emigration Agent, Officer of Customs, or other Person, for anything done in pursuance of or under the Authority of this Act, until Ten clear Days Notice has been given thereof in Writing to the Officer, Agent, or Person as aforesaid, against whom such Action or Suit is intended to be brought, nor after Three Calendar Months next after

Limitation of Actions against Officers executing the Act.



*Penalties.*

Defendant may  
plead the  
General Issue,  
&c.

Costs.

Limitation of  
legal Proceed-  
ings generally.

*Colonial Voyages.*

Colonial Voy-  
ages defined.

This Act to ap-  
ply to Colonial  
Voyages, except  
as relates to  
Matters herein  
named.

If any Colonial  
Voyage be less  
than Three  
Weeks, this Act  
not to apply to

the Act committed for which such Action or Suit shall be so brought; and every such Action shall be brought, laid, and tried where the Cause of Action shall have arisen, and not in any other Place; and the Defendant in such Action or Suit may plead the General Issue, and give this Act and any special Matter in Evidence, at any Trial which shall be had thereupon; and if the Matter or Thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such Action or Suit was brought before Ten clear Days Notice thereof given as aforesaid, or if any Action or Suit shall not be commenced within the Time herein-before limited, or shall be brought or laid in any other Place than as aforesaid, then the Jury shall find a Verdict for the Defendant therein; and if a Verdict shall be found for such Defendant, or if the Plaintiff in such Action or Suit shall become nonsuited, or suffer a Discontinuance of such Action, or if upon any Demurrer in such Action Judgment shall be given for the Defendant thereon, then and in any of the Cases aforesaid such Defendant shall and may recover full Costs of Suit as between Solicitor and Client, and shall have such Remedy for recovering the same as any Defendant may have for his Costs in any other Case by Law.

LXXXII. Where no Time is expressly limited within which any Complaint or Information is to be made or laid for any Breach or Nonperformance of any of the Requirements of this Act, the Complaint shall be made or the Information laid within Twelve Calendar Months from the Time when the Matter of such Complaint or Information respectively arose, or in case the Master of any Ship is the Offender or Party complained against, within Twelve Calendar Months next after his Return to the Country in which the Matter of Complaint or Information arose.

LXXXIII. 'And whereas it is expedient to provide in certain Cases for the Carriage of Passengers by Sea from Her Majesty's Possessions abroad: Be it therefore enacted as follows: For the Purposes of this Act the Term "Colonial Voyage" shall signify any Voyage from any Port or Place within any of such Possessions (except the Territories under the Government of the *East India Company*) to any Port or Place whatever, of which the Duration, to be prescribed as herein-after mentioned, shall exceed Three Days.

LXXXIV. This Act shall apply, so far as the same is applicable, to all Ships carrying Passengers on any such "Colonial Voyage," except as to such Parts of the Act as relate to the following Matters; (that is to say,)

1. To Passage Brokers and their Licences:
2. To Passengers Contract Tickets:
3. To the giving Bond to Her Majesty:
4. To the keeping on board a Copy of this Act:
5. To Orders in Council prescribing Rules for Cleanliness, Order, and Ventilation:

Provided that if the prescribed Duration of any "Colonial Voyage" be less than Three Weeks, then, in addition to the Matters lastly herein-before excepted, the Provisions of this Act shall not extend or apply so far as they relate to the following Subjects; (namely,)

The

The Construction or Thickness of the Decks :

The Berths and Berthing :

The Height between Decks :

Privies :

Hospitals :

Light and Ventilation :

Manning :

Passengers Stewards :

Passengers Cooks and cooking Apparatus :

The Surgeon and Medicine Chest :

The Maintenance of Passengers for Forty-eight Hours after Arrival :

Provided also, that in the Case of such "Colonial Voyages" whereof the prescribed Duration is less than Three Weeks, the Requirements of this Act respecting the Issue of Provisions shall not, except as to the Issue of Water, be applicable to any Passenger who may have contracted to furnish his own Provisions.

LXXXV. It shall be lawful for the Governor of any of Her Majesty's Possessions abroad, by any Proclamation to be by him from Time to Time issued for that Purpose (which shall take effect from the issuing thereof), to declare what shall be deemed for the Purposes of this Act to be the Length of the Voyage of any Ship carrying Passengers from such Possession to any other Place whatsoever, and to substitute for the Articles of Food and Provisions specified in this Act such other Articles of Food and Provisions as he shall deem to be a full Equivalent for the same, and also to declare what Medicines, Medical Instruments, and other Matters shall be deemed necessary for the Medical Treatment of the Passengers during such "Colonial Voyage:" Every such Proclamation shall be transmitted, by the Governor by whom the same may have been issued, to Her Majesty, through One of Her Majesty's Principal Secretaries of State, for Her Majesty's Confirmation or Disallowance; and a Copy of any such Proclamation, purporting to be under the Hand of the Governor of the Colony wherein the same may have been issued, and under the public Seal of such Colony, shall in any other Colony wherein the same shall be so produced be received as good and sufficient Evidence of the issuing and of the Contents of such Proclamation, unless it shall be proved that such Copy is not genuine.

LXXXVI. It shall be lawful for the Governors of any such Possessions respectively to authorize such Person or Persons as they may think fit to make the like Survey and Examination of "Passenger Ships" sailing from such Possessions respectively as is herein-before required, to be made by Two or more competent Surveyors in respect of "Passenger Ships" sailing from the United Kingdom, and also to authorize in such Cases, as to such Governors may seem proper, any competent Person to act as Medical Practitioner on board any "Passenger Ship" proceeding on a "Colonial Voyage."

LXXXVII. This Act shall not apply to any of the Territories or Places under the Government of the *East India Company*: It shall, however, be lawful for the Governor General of *India* in Council, from Time to Time by any Act or Acts to be passed for that Purpose, to declare that this Act or any Part thereof shall apply

*Colonial Voyages.*

Governor of Colonies may, by Proclamation, declare Length of Voyage, and substitute other Articles of Food and Medicine.

Proclamations to be transmitted for Confirmation or Disallowance. Evidence of Proclamation.

Provision for Survey of Ships in the Colonies, and for appointing Surgeons thereto.

Power to the Governor General of India in Council, by any Act to be r

that Purpose,  
to adopt this  
Act for India ;  
and to make  
Rules respect-  
ing Food, Pas-  
sengers, &c. ;

and to declare  
in what Manner  
Penalties, &c.  
may be sued for  
and recovered.

Indian Act may  
be enforced in  
the Colonies the  
same as this Act.

*Voyages to the  
United Kingdom.*

List of Passen-  
gers brought in  
to be delivered  
by Master to  
Emigration  
Officer.

Penalty for  
Neglect.

Penalty on Mas-  
ters for having  
on board more  
Persons than  
prescribed by  
s. 12 of this Act.

apply to the Carriage of Passengers upon any Voyage from any Ports or Places within such Territories, to be specified in such Act or Acts, to any other Places whatsoever, to be also specified in such Act or Acts ; and also in like Manner to authorize the Substitution, as respects such Voyages, of other Articles of Food and Provisions for those herein-before enumerated ; and to declare the Rule of Computation by which the Length of any such Voyage shall be estimated ; and to determine the Persons or Officers who in such Territories shall be entitled to exercise or perform the Powers, Functions, or Duties herein-before given to or imposed upon the Emigration Officers and Officers of Customs in the United Kingdom ; and to authorize the Employment on board any Ship of a Medical Practitioner duly qualified by Law to practise as a Physician, Surgeon, or Apothecary within such Territories ; and to declare for the Purposes of this Act the Space necessary for Passengers, and the Age at which Two Children shall be considered equal to One Statute Adult, in Ships that may clear out from any Port or Place within such Territories ; and also to declare in what Manner and before what Authorities, and by what Form of Proceedings, the Penalties imposed and the Sums of Money made recoverable by this Act shall be sued for and recovered within such Territories, and to what Uses such Penalties shall be applied : And on the passing of such *Indian* Act or Acts, and whilst the same shall remain in force, all such Parts of this Act as shall be adopted therein shall apply to and extend to the Carriage of Passengers upon such Voyages as in the said *Indian* Act or Acts shall be specified ; and the same shall be enforced in all Her Majesty's Possessions in like Manner as the Provisions of this Act may be enforced : Every such *Indian* Act shall be subject to Disallowance and Repeal, and shall in the same Manner be transmitted to *England*, to be laid before both Houses of Parliament, as in the Case of any other Law made by the Governor General in Council.

LXXXVIII. The Master of every Ship bringing Passengers into the United Kingdom from any Port or Place out of *Europe* shall, within Twenty-four Hours after Arrival, deliver to the Emigration Officer or his Assistant, or in their Absence to the Chief Officer of Customs at the Port of Arrival, a correct List, signed by such Master, and specifying the Names, Ages, and Callings of all the Passengers embarked, and also the Port or Ports at which they respectively may have embarked, and showing which, if any of them, may have died or have been born on the Voyage ; and if any Master shall fail so to deliver such List, or if the same shall be wilfully false, he shall, on Conviction, as herein-before mentioned, be liable to a Penalty not exceeding Fifty Pounds.

LXXXIX. If any Ship bringing Passengers into the United Kingdom from any Place out of *Europe* shall have on board a greater Number of Persons or Statute Adults than in the Proportions respectively prescribed in the Twelfth Section of this Act for Ships carrying Passengers from the United Kingdom, the Master of such Ship shall be liable, on such Conviction as herein-before mentioned, to a Penalty not exceeding Five Pounds nor less than Two Pounds for each such Person or Statute Adult constituting any such Excess.

**XC. The Master of every Passenger Ship bringing Passengers into the United Kingdom from any Place out of *Europe* shall make to each Statute Adult during the Voyage, including the Time of Detention, if any, at any Port or Place before the Termination thereof, Issues of pure Water and of good and wholesome Provisions in a sweet Condition, in Quantities not less in Amount than is prescribed in the Thirty-second Section of this Act for Passengers proceeding from the United Kingdom ; and in case of any Default herein, the Master of such Ship shall, on such Conviction as herein-before mentioned, be liable for each Offence to a Penalty not exceeding Fifty Pounds.**

**Provisions and Water to be issued the same as in Ships carrying Passengers from United Kingdom, under a Penalty.**

**XCL.** The Schedules to this Act shall be deemed to be Part of this Act, and all the marginal or other Directions therein shall be duly followed and enforced, under a Penalty not exceeding Ten Pounds on the Person failing to obey the same respectively.

### Schedules to be Part of the Act.

**SCHEDULES to which the foregoing Act refers.**

**SCHEDULE (A.)**

### FORM OF PASSENGERS LIST.

Ship's Name.	Master's Name.	Tons per Register.	Aggregate Number of Superficial Feet in the several Compartments set apart for Passengers other than Cabin Passengers.	Total Number of Statute Adults, exclusive of Master, Crew, and Cabin Passengers, which the Ship can legally carry.	Where bound.

I hereby certify, That the Provisions actually laden on board this Ship, according to the Requirements of the Passengers Act, are sufficient for Statute Adults.

(Signature) \_\_\_\_\_ Master.

Date \_\_\_\_\_ 185 .

### **NAMES AND DESCRIPTIONS OF PASSENGERS.**

[illegible]

## SUMMARY.

	Number of Souls.				Equal to Statute Adults.
	English.	Scotch.	Irish.	Total.	
Adults - -					
Children between 14 and 1					
Infants - -					
TOTAL - -					

We hereby certify, That the above is a correct List of the Names and Descriptions of all the Passengers who embarked at the Port of \_\_\_\_\_

(Signed) \_\_\_\_\_

Master.

Emigration Officer.

(Countersigned) \_\_\_\_\_

Officer of Customs at \_\_\_\_\_.

Date \_\_\_\_\_ 185 .

N.B.—Lines should be ruled in the same Form for any Additions to the List after the Ship first clears out; and similar Certificates be subjoined to such Additions, according to the Requirements of the Act.

## SCHEDULE (B.)

FORM of BOND to be given by the OWNER or CHARTERER and by the MASTER.

KNOW all Men by these Presents, That we,  
are held and firmly bound unto our Sovereign \_\_\_\_\_ by  
the Grace of God of the United Kingdom of Great Britain  
and Ireland \_\_\_\_\_ Defender of the Faith, in the Sum of  
One thousand Pounds of good and lawful Money of Great  
Britain, to be paid to our said \_\_\_\_\_ the  
Heirs and Successors; to which Payment well and truly to  
be made we bind ourselves and every of us, jointly and  
severally, for and in the whole, our Heirs, Executors, and  
Administrators, and every of them, firmly by these Presents.  
Sealed with our Seals. Dated this \_\_\_\_\_ Day of  
One thousand eight hundred and fifty

WHEREAS by the "Passengers Act, 1852," it is amongst other things enacted, that before any "Passenger Ship" shall clear out or proceed to Sea, the Owner or Charterer, or in the Absence of such Owner or Charterer, One good and sufficient Person on his Behalf, to be approved by the Chief Officer of Customs at the Port of Clearance, shall, with the Master of the said Ship, enter into a Bond to \_\_\_\_\_ Majesty, \_\_\_\_\_ Heirs and Successors, in the Sum of One thousand Pounds :

Now

Now the Condition of this Obligation is such, that if the Ship whereof is Master, bound to is in all respects seaworthy, \*[and if the said Ship shall call at the Port of and there shall be shipped on board at such Port pure Water for the Use of the Passengers, sufficient in Quantity to afford an Allowance of Three Quarts daily to each Statute Adult for the Period of Days on the Voyage from such Port to the final Port or Place of Discharge of such Vessel,] and if (notwithstanding any Penalty by the said Act imposed, and whether the same may have been sued for and recovered or not,) all and every the Requirements of the said Passengers Act, 1852, (except such of them as relate exclusively to Passage Brokers,) and of the Colonial Land and Emigration Commissioners acting in the Manner prescribed by the said Act, and of any Order in Council passed in virtue of the said Act, shall in all respects be well and truly performed, † [and if the Master for the Time being of the said Ship shall submit himself, in like Manner as a British Subject being the Master of a British Passenger Ship, to the Jurisdiction of the Tribunals in Majesty's Possessions abroad, empowered by the said Act to adjudicate on Offences committed against the said Act,] and if moreover all Penalties, Fines, and Forfeitures which the Master of such Ship may be adjudged to pay for or in respect of the Breach or Nonfulfilment of any of such Requirements as aforesaid shall be well and truly paid, then this Obligation to be void, otherwise to remain in full force and virtue.

\* The Clause within Brackets is to be inserted only when the Ship is to call at an intermediate Port to take in Water as provided by s. 31. of the Act.

† This Clause to be inserted only in the Case of a Foreign Passenger Ship proceeding to any of the British Colonies.

Signed, sealed, and delivered by the above-bounden and in the Presence of ‡

‡ Insert Names and Addresses in full of the Witnesses.

§ [I hereby certify, that the above Bond was duly signed, sealed, and delivered according to the Law of Great Britain by the said Master of the said Ship and by the said ]

§ Certificate to be signed by the Chief Officer of Customs in case of a Foreign Passenger Ship, and forwarded with the Bond to the Colony, according to s. 60. of the Act.

(Signature) \_\_\_\_\_ { Chief Officer of Customs for the Port of

(Date) \_\_\_\_\_ 185 .

### SCHEDULE (C.)

FORM of PASSAGE BROKER'S ANNUAL BOND, with Two Sureties to be approved by the Emigration Officer at the nearest Port.

KNOW all Men by these Presents, that we, A.B.\* of C.D. of, &c. and E.F. of, &c. are held and firmly bound unto our Sovereign by the Grace of God of the United Kingdom of Great Britain and Ireland Defender of the Faith, in the Sum of Five hundred Pounds of good and lawful Money of Great Britain,

\* Insert Christian and Surnames in full, with Occupations and Address of each of the Parties.

Britain, to be paid to our said the  
 Heirs and Successors ; to which Payment well and truly  
 to be made, we bind ourselves and every of us, jointly and  
 severally, for and in the whole, our Heirs, Executors, and  
 Administrators, and every of them, firmly by these Presents.  
 Sealed with our Seals. Dated this Day of  
 One thousand eight hundred and fifty .

WHEREAS by the "Passengers Act, 1852," it is amongst other things enacted, that no Person whatever shall carry on the Business of a Passage Broker in respect of Passages from the United Kingdom to any Place out of Europe, and not being within the Mediterranean Sea, or shall sell or let, or agree to sell or let, or be in anywise concerned in the Sale or Letting of Passages in any Ship, whether a "Passenger Ship" or otherwise, proceeding from the United Kingdom to any such Place as aforesaid, unless such Person, with Two good and sufficient Sureties, to be approved by the Emigration Officer at the Port nearest the Place of Business of such Person, shall have previously entered into a joint and several Bond to Her Majesty, Her Heirs and Successors, in the Sum of Five hundred Pounds Sterling : And whereas the said *C.D.* and *E.F.* have been duly approved by the proper Emigration Officer as Sureties for the said *A.B.* :

Now the Condition of this Obligation is such, that if the above-bounden *A.B.* shall well and truly observe and comply with all the Requirements of the said recited Act, so far as the same relate to Passage Brokers, and further shall well and truly pay all Fines, Forfeitures, and Penalties, and also all Sums of Money, by way of Subsistence Money, or of Return of Passage Money, and Compensation, to any Passenger, or on his Account, and also all Costs which the above-bounden *A.B.* may at any Time be adjudged to pay under or by virtue of any of the Provisions of the said recited Act, then and in such Case this Obligation to be void, otherwise to remain in full force.

Signed, sealed, and delivered by the above-bounden *A.B.*, *C.D.*, and *E.F.*, in the Presence of \*

\* Insert the  
 Names and  
 Addresses in  
 full of the  
 Witnesses.

N.B.—This Bond is to be executed in Duplicate, in the Presence of and to be attested by an Emigration Officer or his Assistant, or an Officer of Customs, or a Magistrate, or a Notary Public. One Part is to be deposited with the Colonial Land and Emigration Commissioners in London, and the other Part with the Chief Officer of Customs at the Port nearest to the Place of Business of the Broker.

[The Bond is exempt from Stamp Duty, but must be renewed annually with the Licence.]

## SCHEDULE (D.)

## FORM of PASSAGE BROKER'S LICENCE.

*A.B.\** of \_\_\_\_\_ in the \_\_\_\_\_ having shown to the Satisfaction of me (*or us*) the undersigned, that he hath given Bond to \_\_\_\_\_ Majesty, as by the "Passengers Act, 1852," required, and also given Fourteen Days previous Notice to the Colonial Land and Emigration Commissioners of his Intention to make Application for a Licence to carry on the Business of a Passage Broker in respect of Passages from the United Kingdom to any Place out of Europe, and not being within the Mediterranean Sea, I (*or we*), the undersigned, having had no sufficient Cause shown to me (*or us*), and seeing no valid Reason why the said *A.B.* should not receive such Licence, do hereby license and authorize the said *A.B.* to carry on the Business of a Passage Broker as aforesaid until the End of the present Year, and Thirty-one Days afterwards, unless this Licence shall be sooner determined by Forfeiture for Misconduct on the Part of the said *A.B.*, as in the "Passengers Act, 1852," is provided.

\* The Christian and Surnames in full, with the Address and Trade or Occupation of the Party applying for the Licence, must be correctly inserted.

Given under my Hand and Seal (*or our respective Hands and Seals*), this \_\_\_\_\_ Day of \_\_\_\_\_ 185 at \_\_\_\_\_

Signature \_\_\_\_\_ (L.S.) { Justices of the Peace, Police  
or Stipendiary Magistrate,  
or Sheriff, or Steward, or  
Sheriff or Steward Sub-  
stitute, as the Case may be.

## SCHEDULE (E.)

## FORM of NOTICE to be given to the Colonial Land and Emigration Commissioners by Justices granting a Licence.

Gentlemen,

THIS is to give you Notice, That we (*or I*), the undersigned, did on the \_\_\_\_\_ Day of \_\_\_\_\_ 185 license *A.B.* of\* \_\_\_\_\_ to carry on the Business of a Passage Broker under the Provisions of the "Passengers Act, 1852."

\* Insert the Christian and Surnames in full, with the Address and Occupation of the Party.

Signatures \_\_\_\_\_ { Justices of the Peace,  
or as the Case may be.

Place \_\_\_\_\_

Date \_\_\_\_\_

To the Colonial Land and Emigration }  
Commissioners, London.



**Penalties.**

Relanding of  
diseased Pas-  
sengers.

Wrongfully  
landing.

Maintenance  
on Arrival.

Keeping Act  
on board, &c.

Penalty for fal-  
sifying Docu-  
ments to obtain  
free Passages,  
and for Per-  
sonation.

By whom  
Penalties are to  
be recovered.

By whom Pas-  
sage, Subsist-  
ence, and Com-  
pensation Mo-  
nies may be re-  
covered.

of the Medicines and Passengers shall have taken place, and such Certificate of the Medical Inspector shall have been granted, as herein-before required; or if any diseased Person on board of any "Passenger Ship," or the Members of his Family, shall not be relanded as herein-before required; or if any Passenger shall, without his previous Consent, be landed at any Place other than the Place at which he may have contracted to land; or if any Passenger shall not be allowed to sleep and be maintained on board the Ship after Arrival for the Period and in manner herein-before provided; or if there shall not be kept on board a Copy of this Act, or if the same shall not be produced, on Demand, as herein-before required.

LXXI. 'And whereas certain Forms are from Time to Time issued by the said Colonial Land and Emigration Commissioners, for the Use of Persons applying to them, or to Persons acting under their Authority, for Passages from the United Kingdom to the *British Colonies* wholly or partially at the Expense of *British* or Colonial Funds: And whereas it is expedient to afford additional Security against false Representations in such Forms, and in any Certificate of Marriage, Baptism, or otherwise ad-duced in support thereof, and against the forging or fraudulently altering of any Signature or Statement in such Forms or Certificates, and against Personation: Be it therefore enacted, That if any Person shall wilfully make any false Representation in any such Form or Certificate as aforesaid, or shall forge or fraudulently alter any Signature or Statement in any such Form or Certificate, or shall personate any Person named in any such Form or Certificate, or in any Embarkation Order issued by or under the Authority of the said Commissioners, such Person shall be liable, for and in respect of each and every such Offence, on such Conviction as herein-after mentioned, to a Penalty not exceeding Fifty Pounds nor less than Two Pounds Sterling.

LXXII. All Penalties and Forfeitures imposed by this Act shall be sued for in the United Kingdom by any Emigration Officer or his Assistant, or by any Collector or Comptroller of Her Majesty's Customs, or by any other Officer of Her Majesty's Customs authorized in Writing by the Commissioners of Her Majesty's Customs to sue for Penalties and Forfeitures under this Act, and in any of Her Majesty's Possessions abroad by any Government Emigration Agent, or by any such Collector or Comptroller of Customs, or other Officer of Customs so authorized as aforesaid, or by any Officer authorized to sue for Penalties and Forfeitures under this Act by Writing under the Hand and Seal of the Governor of any such Possession, and the Commissioners of Her Majesty's Customs and every such Governor are hereby respectively empowered to grant such Authority as aforesaid: And all Sums of Money made recoverable by this Act as Return of Passage Money, Subsistence Money, or Compensation may be sued for and recovered by and for the Use of any Passenger entitled thereto under this Act, or by any of such Officers as aforesaid, for and on behalf and to the Use of any such Passenger or any Number of such Passengers respectively, and in any Case either by One or several Informations or Complaints.

LXXIII. All

**LXXIII.** All Penalties and Sums of Money by this Act made recoverable shall and may be sued for and recovered before any Two or more Justices of the Peace acting in any Part of Her Majesty's Dominions or Possessions in which the Offence shall have been committed or the Cause of Complaint shall have arisen, or in which the Offender or Party complained against shall happen to be, or acting in any County or Borough or Place adjacent to any navigable River or Inlet of the Sea on which such Offence shall have been committed or Cause of Complaint have arisen; and upon Information or Complaint made before any One Justice of the Peace acting as aforesaid, he shall issue a Summons according to the Form in the Schedule (J.) hereto annexed, requiring the Party offending or complained against to appear at a Time and Place to be named therein; and every such Summons shall be served on the Party offending or complained against, or shall be left at his last known Place of Abode or of Business, or on board any Ship to which he may belong; and if such Party shall not appear accordingly, then (upon Proof of the due Service of the Summons by delivering the Summons or a Copy thereof to the Party, or at his last known Place of Abode or of Business, or on board any Ship to which he may belong, to the Person in charge of any such Ship,) any Two of such Justices so acting as aforesaid may either hear and determine the Case in the Absence of the Party, or either of them may issue his Warrant for apprehending and bringing such Party before them or any Two Justices so acting as aforesaid; or the Justice before whom the Charge shall be made, if he shall have Reason to suspect, from Information upon Oath, that the Party is likely to abscond, may issue such Warrant in the first instance, without any previous Summons; and either upon the Appearance of the Party offending or complained against, or in his Absence as aforesaid, any Two of such Justices so acting as aforesaid may hear and determine the Case, either with or without any written Information or Complaint; and upon Proof of the Offence, or of the Complainant's Claim, (as the Case may be,) either by Confession of the Party offending or complained against, or upon the Oath of One or more credible Witness or Witnesses (and the Justices are hereby authorized to summon and swear any Witnesses who may be deemed necessary), it shall be lawful for such Justices so acting as aforesaid to convict the Offender, or adjudicate upon the Complaint (such Conviction or Adjudication to be drawn up according to One of the Forms of Conviction or Adjudication contained in Schedule (K.) hereto annexed, or as near thereto as the Circumstances of the Case will admit,) and upon every such Conviction to order the Offender to pay such Penalty as they may think proper, not exceeding the Penalties herein-before imposed, and upon every such Adjudication to order the Party complained against to pay to the Party suing for the same the Sum of Money sued for, or so much thereof as such Justices shall think the Complainant justly entitled to, together with, in every Case, the Costs of the Proceedings; and if the Monies and Costs mentioned in such Conviction or Adjudication be not paid immediately or within the Time limited thereby, it shall be lawful for any Two of such Justices so acting as aforesaid, by Warrant, (and although the written Order of Conviction

*Penalties.*

—  
Tribunal for adjudicating on Offences and Complaints under this Act.

**Penalties.**

or Adjudication, or any Minute thereof, may not have been served,) to cause the Party offending to be committed to Gaol, there to be imprisoned, with or without Hard Labour, according to the Discretion of such Justices, for any Term not exceeding Three Calendar Months, unless such Monies and Costs be sooner paid and satisfied: Provided always, that in all Proceedings taken under this Act for which no Form is herein expressly provided it shall be lawful to use Forms similar, as nearly as Circumstances will admit, to those contained in the Schedule to an Act passed in the Session of Parliament holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-three.

Police and Stipendiary Magistrates, and in Scotland Sheriffs, &c., to have the same Powers as Justices of the Peace.

LXXIV. Every Police or Stipendiary Magistrate, and in *Scotland* every Sheriff or Steward and Sheriff Substitute or Steward Substitute of a County or Stewartry within his own County or Stewartry, shall have such and the like Powers, Privileges, and Functions, and be entitled to exercise such and the like Jurisdiction under this Act, as any Justice or Two Justices, or Justices at Petty Sessions, have or is or are entitled to exercise under the Provisions of this Act; and all Acts, Matters, and Things competent to be done under the Provisions of this Act by or before any Justice or Two Justices of the Peace, or Justices at Petty Sessions, or otherwise, may be done by and before any Police or Stipendiary Magistrate, and in *Scotland* by and before any Sheriff or Steward or Sheriff Substitute or Steward Substitute within his own County or Stewartry.

No Objection to be allowed, nor Convictions to be quashed for Want of Form.

LXXV. No Objection shall be taken or allowed to any Complaint, Information, Summons, or Warrant under this Act, for any alleged Defect therein, either in Substance or in Form, or for any Variance between such Complaint or Information and the Evidence adduced on the Hearing thereof; but if any Variance shall appear to the Justice or Justices present and acting at such Hearing to be such that the Party so summoned and appearing has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such Terms as he or they shall think fit, to adjourn the Hearing of the Case to some future Day, and in the meantime to commit the Defendant to such safe Custody as the said Justice or Justices may think fit, or to discharge him upon his Recognizance, with or without Sureties, to appear at such Time and Place as may be appointed: No Conviction, Order, Adjudication, or other Proceeding under or in pursuance of this Act shall be quashed or vacated for Want of Form.

Application of Penalties.

LXXVI. All Penalties imposed by this Act shall, when recovered, be paid to the Party at whose Suit the same shall have been recovered, for the Use of Her Majesty and Her Successors, and if recovered in the Colonies shall be paid over by the Party receiving the same into the Colonial Treasury, and shall form Part of the general Revenue of the Colony, and if recovered in the United Kingdom shall be paid over to the Colonial Land and Emigration Commissioners if the Party at whose Suit the same shall have been recovered be an Emigration Officer, or his Assistant, and to Her Majesty's Commissioners of Customs if the Party at whose Suit the same shall have been recovered be an Officer of Customs, to be by such Colonial Land and Emigration Commissioners

Commissioners and Commissioners of Customs respectively duly accounted for ; and all such Penalties as may be recovered in the United Kingdom shall be appropriated to such Purposes and in such Manner as the Lord High Treasurer or the Commissioners of Her Majesty's Treasury may from Time to Time direct and appoint : Provided always, that it shall be lawful for the Justices of the Peace who shall impose any such Penalty at the same Time to direct, if they shall think fit, that a Part, not exceeding One Moiety thereof, be applied to compensate any Passenger for any Wrong or Damage which he may have sustained by the Act or Default in respect of which such Penalty or Forfeiture shall have been imposed.

*Penalties.*

Justices may award Compensation out of Penalties to Partyaggrieved.

LXXVII. If in any Suit, Action, Prosecution, or other legal Proceeding under this Act any Question shall arise whether any Ship was or was not exempted from the Provisions of this Act, or any of them, the Burden of proving that such Ship was so exempted shall lie on the Party claiming the Benefit of the Exemption, and failing such Proof it shall for any such Purpose as aforesaid be taken and adjudged that the Ship did come within the Provisions of this Act ; and it shall not be necessary, in any Information, Complaint, or other Process or Proceeding, to negative any Exemption, Proviso, or Condition contained in any Section of this Act on which such Information, Complaint, or other Process or Proceeding shall be framed, neither shall it be necessary for the Complainant to prove the Negative, but the Defendant may prove the Affirmative thereof, if he will have Advantage of the same.

Burden of Proof to be on Persons claiming Exemption from Act.

Proof of Negative.

LXXVIII. If in any Proceeding before any Justice or Justices of the Peace under this Act, or upon any Action, Suit, or other Proceeding whatsoever, against any Person, for anything done either contrary to or in pursuance of this Act, a Question should arise whether any Person is an Emigration Officer or Assistant Emigration Officer, or an Officer of Customs, *viva voce* Evidence may be given of such Fact by the Officer himself, and shall be deemed legal and sufficient Evidence.

Proof of a Party being an Emigration Officer, &c.

LXXIX. Any Passenger suing under this Act for any Sum of Money made recoverable by this Act as Passage Money, Subsistence Money, or Compensation, shall not be deemed an incompetent Witness in any Proceeding for the Recovery thereof, notwithstanding the same, if recovered, shall be applicable to his own Use and Benefit.

Passengers suing not incompetent Witnesses.

LXXX. No Plaintiff shall recover in any Action against any Emigration Officer, his Assistant, Government Emigration Agent, or Officer of Customs, or other Person, for anything done in pursuance of this Act, if Tender of sufficient Amends shall have been made before such Action brought, or if, after Action brought, a sufficient Sum of Money shall have been paid into Court, by or on behalf of the Defendant.

Tender of Amends.

LXXXI. No Action or Suit shall be commenced against any Emigration Officer, his Assistant, Government Emigration Agent, Officer of Customs, or other Person, for anything done in pursuance of or under the Authority of this Act, until Ten clear Days Notice has been given thereof in Writing to the Officer, Agent, or Person as aforesaid, against whom such Action or Suit is intended to be brought, nor after Three Calendar Months next after the

Limitation of Actions against Officers executing the Act.

*Penalties.*

Defendant may  
plead the  
General Issue,  
&c.

Costs.

Limitation of  
legal Proceed-  
ings generally.

*Colonial Voyages.*

Colonial Voy-  
ages defined.

This Act to ap-  
ply to Colonial  
Voyages, except  
as relates to  
Matters herein  
named.

If any Colonial  
Voyage be less  
than Three  
Weeks, this Act  
not to apply to  
Subjects herein  
named.

the Act committed for which such Action or Suit shall be so brought; and every such Action shall be brought, laid, and tried where the Cause of Action shall have arisen, and not in any other Place; and the Defendant in such Action or Suit may plead the General Issue, and give this Act and any special Matter in Evidence, at any Trial which shall be had thereupon; and if the Matter or Thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such Action or Suit was brought before Ten clear Days Notice thereof given as aforesaid, or if any Action or Suit shall not be commenced within the Time herein-before limited, or shall be brought or laid in any other Place than as aforesaid, then the Jury shall find a Verdict for the Defendant therein; and if a Verdict shall be found for such Defendant, or if the Plaintiff in such Action or Suit shall become nonsuited, or suffer a Discontinuance of such Action, or if upon any Demurrer in such Action Judgment shall be given for the Defendant thereon, then and in any of the Cases aforesaid such Defendant shall and may recover full Costs of Suit as between Solicitor and Client, and shall have such Remedy for recovering the same as any Defendant may have for his Costs in any other Case by Law.

LXXXII. Where no Time is expressly limited within which any Complaint or Information is to be made or laid for any Breach or Nonperformance of any of the Requirements of this Act, the Complaint shall be made or the Information laid within Twelve Calendar Months from the Time when the Matter of such Complaint or Information respectively arose, or in case the Master of any Ship is the Offender or Party complained against, within Twelve Calendar Months next after his Return to the Country in which the Matter of Complaint or Information arose.

LXXXIII. 'And whereas it is expedient to provide in certain Cases for the Carriage of Passengers by Sea from Her Majesty's Possessions abroad: Be it therefore enacted as follows: For the Purposes of this Act the Term "Colonial Voyage" shall signify any Voyage from any Port or Place within any of such Possessions (except the Territories under the Government of the *East India* Company) to any Port or Place whatever, of which the Duration, to be prescribed as herein-after mentioned, shall exceed Three Days.

LXXXIV. This Act shall apply, so far as the same is applicable, to all Ships carrying Passengers on any such "Colonial Voyage," except as to such Parts of the Act as relate to the following Matters; (that is to say,)

1. To Passage Brokers and their Licences:
2. To Passengers Contract Tickets:
3. To the giving Bond to Her Majesty:
4. To the keeping on board a Copy of this Act:
5. To Orders in Council prescribing Rules for Cleanliness, Order, and Ventilation:

Provided that if the prescribed Duration of any "Colonial Voyage" be less than Three Weeks, then, in addition to the Matters lastly herein-before excepted, the Provisions of this Act shall not extend or apply so far as they relate to the following Subjects; (namely,)

The

The Construction or Thickness of the Decks :

The Berths and Berthing :

The Height between Decks :

Privies :

Hospitals :

Light and Ventilation :

Manning :

Passengers Stewards :

Passengers Cooks and cooking Apparatus :

The Surgeon and Medicine Chest :

The Maintenance of Passengers for Forty-eight Hours after Arrival :

*Colonial Voyages.*

Provided also, that in the Case of such "Colonial Voyages" whereof the prescribed Duration is less than Three Weeks, the Requirements of this Act respecting the Issue of Provisions shall not, except as to the Issue of Water, be applicable to any Passenger who may have contracted to furnish his own Provisions.

LXXXV. It shall be lawful for the Governor of any of Her Majesty's Possessions abroad, by any Proclamation to be by him from Time to Time issued for that Purpose (which shall take effect from the issuing thereof), to declare what shall be deemed for the Purposes of this Act to be the Length of the Voyage of any Ship carrying Passengers from such Possession to any other Place whatsoever, and to substitute for the Articles of Food and Provisions specified in this Act such other Articles of Food and Provisions as he shall deem to be a full Equivalent for the same, and also to declare what Medicines, Medical Instruments, and other Matters shall be deemed necessary for the Medical Treatment of the Passengers during such "Colonial Voyage:" Every such Proclamation shall be transmitted, by the Governor by whom the same may have been issued, to Her Majesty, through One of Her Majesty's Principal Secretaries of State, for Her Majesty's Confirmation or Disallowance; and a Copy of any such Proclamation, purporting to be under the Hand of the Governor of the Colony wherein the same may have been issued, and under the public Seal of such Colony, shall in any other Colony wherein the same shall be so produced be received as good and sufficient Evidence of the issuing and of the Contents of such Proclamation, unless it shall be proved that such Copy is not genuine.

Governor of Colonies may, by Proclamation, declare Length of Voyage, and substitute other Articles of Food and Medicine.

Proclamations to be transmitted for Confirmation or Disallowance. Evidence of Proclamation.

LXXXVI. It shall be lawful for the Governors of any such Possessions respectively to authorize such Person or Persons as they may think fit to make the like Survey and Examination of "Passenger Ships" sailing from such Possessions respectively as is herein-before required, to be made by Two or more competent Surveyors in respect of "Passenger Ships" sailing from the United Kingdom, and also to authorize in such Cases, as to such Governors may seem proper, any competent Person to act as Medical Practitioner on board any "Passenger Ship" proceeding on a "Colonial Voyage."

Provision for Survey of Ships in the Colonies, and for appointing Surgeons thereto.

LXXXVII. This Act shall not apply to any of the Territories or Places under the Government of the *East India* Company: It shall, however, be lawful for the Governor General of *India* in Council, from Time to Time by any Act or Acts to be passed for that Purpose, to declare that this Act or any Part thereof shall apply

Power to the Governor General of India in Council, by any Act to be passed for

Commissioners  
of Woods, &c.  
may appoint  
other Trustees.

II. It shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues from Time to Time, by any Writing under their Hands, to appoint any Number of Persons not exceeding Eight in the whole at any One Time, to be Trustees for the Purposes of this Act, so far as it relates to the making or maintaining of Turnpike Roads, in addition to the said Commissioners, and such additional Trustees so appointed, and being duly qualified as aforesaid, shall have the same Powers and Authorities for executing the several Acts for regulating Turnpike Roads in *England* and this Act as if they had been named herein.

Meeting of  
Trustees.

III. The Trustees for executing this Act, so far as it relates to the making and maintaining of Turnpike Roads, shall hold their First Meeting at the *Vittoria Hotel* in *Kingston-upon-Hull* on the Seventh Day of *September* next, or as soon afterwards as conveniently may be, between the Hours of Ten and Five, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times and Places as the said Trustees or the major Part of them present at such respective Meetings shall think proper and appoint.

Power to make  
Roads accord-  
ing to deposited  
Plans.

IV. This Act shall relate to and be executed for more effectually improving, maintaining, and keeping in repair the said Turnpike Road and Works by the said Act of the Sixth and Seventh Years of King *William* the Fourth made, improved, maintained, and kept in repair, and also the several Roads and Works by this Act authorized to be respectively made and improved; and the Trustees for executing this Act shall and may set out, make, and complete such intended Turnpike Roads, and widen and improve such existing Roads or Highways as aforesaid, in the Lines and through the Lands respectively delineated and described in the aforesaid Plans and Books of Reference, and may make such Roads respectively of such Width as they may think proper not exceeding Sixty Feet, together with such Toll Houses, Footpaths, Bridges, Embankments, Ditches, Drains, Fences, and other necessary Works upon or near thereto as they may think requisite, and for the Purposes aforesaid may take Possession of the Lands delineated and described in such Maps or Plans and Books of Reference, making Satisfaction for the same to the Occupiers thereof and other Persons interested therein: Provided always, that such Part of the said intended Turnpike Roads as is hereby authorized to be made between *Patrington Haven* Bridge or Clough and the North Channel Bridge or Clough shall not exceed the Width of Forty Feet.

After passing  
of this Act  
6 & 7 W. 4.  
c. 91. repealed,  
and all Property  
and Debts of  
Trustees under  
it transferred  
to Trustees  
under this Act.

V. From and after the passing of this Act the aforesaid Act of the Sixth and Seventh Years of King *William* the Fourth shall be and the same is hereby repealed; and the aforesaid Turnpike Road from *Ottringham* to *Sunk Island* Church shall become and be absolutely vested in the said Trustees for executing this Act, for all the Estate and Interest therein of the Trustees appointed by the said recited Act of the Sixth and Seventh Years of King *William* the Fourth; and all Monies due to and all Property and Choses in Action vested in the Trustees for executing the said recited Act shall immediately on the Commencement of this Act

be vested in the said Trustees for executing this Act, and they may use, sue for, and recover the same, and act as effectually in respect thereof as if the same had been vested in them under the said recited Act, and they shall be liable to all Debts and Engagements to which the Trustees for executing the said recited Act were liable at the Commencement of this Act; and all Covenants, Securities, and Contracts made or entered into under the Powers and Provisions of the said recited Act to, by, or with any Persons and the Trustees for executing the same shall, until the same be fully satisfied or performed, be and continue available to and in favour of such Persons and the Trustees for executing this Act in all Courts of Law and Equity.

VI. Until the said intended Turnpike Road from *Sunk Island Church to Stone Creek* shall be completed, the said Trustees for executing this Act shall and may levy the Tolls by the said recited Act authorized to be levied for the Use of the said Turnpike Road from *Ottringham to Sunk Island Church*, in like Manner in all respects as by the same Act is provided; and so soon as the said intended Turnpike Road from *Sunk Island Church to Stone Creek* shall be completed, such last-mentioned Tolls shall cease to be chargeable, and thenceforth the respective Tolls following shall and may be demanded, collected, taken, and paid at the several and respective Toll Gates or Toll Bars which have been or shall hereafter be set up and erected in, upon, across, or on the Sides of the said Turnpike Roads comprised in this Act; (that is to say,)

For every Horse or other Beast drawing any Coach, Stage Coach, Chariot, Chaise, Curricie, Car, Gig, Hearse, or any such Carriage, the Sum of Fourpence :

For every Horse or other Beast drawing any Waggon, Wain, Cart, Dray, Van, Caravan, or other such Carriage, the Fellies of the Wheels whereof shall be of the Breadth of Six Inches, the Sum of Threepence :

For every Horse or other Beast drawing any Waggon, Wain, Cart, Dray, Van, Caravan, or other such Carriage, the Fellies of the Wheels whereof shall be of the Breadth of Four Inches and a Half and not of the Breadth of Six Inches, the Sum of Fourpence :

For every Horse or other Beast drawing any Waggon, Wain, Cart, Dray, Van, Caravan, or any such Carriage, the Fellies of the Wheels whereof shall be of less Breadth than Four Inches and a Half, the Sum of Fivepence :

For every Horse or Beast, laden or unladen and not drawing, One Penny :

For every Score of Oxen or Neat Cattle, Tenpence, and so in proportion for any less Number :

For every Score of Calves, Sheep, Lamb, or Swine, Fivepence, and so in proportion for any less Number :

For every Coach, Waggon, Vehicle, or other Carriage of whatever Description, propelled or drawn wholly or in part by Steam, Gas, or any such Means, or by Machinery, or otherwise than by Animal Power, the Sum of Two Shillings and Sixpence :



And for every Steam Thrashing Machine, whether drawn or propelled by Animal or other Power, the Sum of Three Shillings, but without any Toll for Horses or Beasts drawing the same :

Such respective Tolls to be paid before any such Horse, Mule, Ass, Cattle, or Beast, or any such Carriage as aforesaid, shall be entitled to pass through any Turnpike or Toll Gate to be erected on the said Road ; and in all Cases where there shall be a fractional Part of a Halfpenny in the Amount of the Tolls hereby granted, the Sum of One Halfpenny shall and may be demanded and taken in lieu of such fractional Part.

Exemptions in General Act as to Thrashing Machines, &c. not to apply to Tolls under this Act.

VII. Notwithstanding the Exemptions contained in any General Act for regulating Turnpike Roads, no Exemption from any of the Tolls by this Act authorized to be taken and demanded shall be allowed for or in respect of any Steam Thrashing Machine, however conveyed, nor in respect of any Horse, Beast, or Cattle drawing any Waggon, Wain, Cart, or other Carriage laden with any Materials for making any Highway, or for building, rebuilding, or repairing any Bridge, or with Dung, Soil, Compost, or Manure for improving Lands, or Lime for agricultural Purposes, or with Ploughs, Harrows, or Implements of Husbandry, or Hay, Straw, Fodder for Cattle, or Corn in the Straw, Potatoes, or other agricultural Produce, such Waggon, Wain, Cart, or other Carriage having the Nails of the Tire of the Wheels thereof projecting more than One Quarter of an Inch above the Surface of such Tire.

Only One Toll to be taken for the whole Line of Road, except in certain Cases.

VIII. In case the Toll hereby authorized to be taken shall have been paid for the passing of any Horse, Cart, or Cattle through any Toll Gate or Toll Bar, such Horse, Beast, or Cattle shall at any Time during the same Day, upon Production of a Ticket denoting the Payment of such Toll on that Day, be permitted to pass and re-pass Toll-free (except in the Cases hereafter mentioned) along the whole Line of Road from *Ottringham* to *Stone Creek*, or along the whole Line of Road from *Patrington Harbour* to *Stone Creek*, or along the whole Line of Road from *Patrington Harbour* to *Ottringham* ; but no Horse, Beast, or Cattle for which Toll shall have been paid at any Toll Gate or Toll Bar drawing another or different Waggon, Wain, Cart, or other such Carriage, or drawing for Hire or Reward a fresh or different Lading of a Weight of Two hundred and forty Pounds Avoirdupois or more in the same Waggon, Wain, Cart, or other such Carriage, shall be permitted to re-pass through the same Toll Gate or Toll Bar, or through any other Toll Gate or Toll Bar, on the same Day without again paying Toll, if in so re-passing such Horse, Beast, or Cattle shall go or travel upon the said Road for the Distance of Two Miles or more.

Horses or other Cattle drawing Carriages for Hire to pay for each Time of passing ;

IX. The Tolls hereby made payable shall be paid for or in respect of all Horses, Beasts, or Cattle drawing any Stage Coach, Stage Waggon, Van, Caravan, Cart, or other Stage Carriage carrying Passengers or Goods for Hire or Reward, for each Time of passing and for each Time of re-passing along any of the said Roads, but no further or additional Tolls shall be payable in respect of any Stage Coach, Stage Waggon, Van, Caravan, Cart, or other Stage Carriage on account only of the Horses drawing the same having been changed.

X. The

X. The Tolls hereby made payable shall be paid for or in respect of all Horses, Beasts, or Cattle let out for Hire, and drawing any Post Chaise or other Carriage, for each Time of passing along any of the said several Roads whenever a new Hiring thereof shall take place.

or when a new Hiring takes place.

XI. The Tolls hereby made payable for and in respect of any Carriage propelled or moved by Steam, Gas, Machinery, or any other like Means, or for and in respect of any Steam Thrashing Machine, shall be paid every Time of the passing or repassing of such Carriage or Machine along any of the said Roads.

Tolls for certain Carriages to be paid for each Time of passing.

XII. It shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the Time being to construct and maintain, when and as and in such Manner as they shall think expedient, any Quays, Wharfs, or Landing Places, and with or without Warehouses, Sheds, or other convenient Buildings, at *Stone Creek* aforesaid, on the Eastern Side thereof; and so much of "The Harbours, Docks, and Piers Clauses Act, 1847," as relates to the Consent to be given by the Lords of the Admiralty, and to the Construction of Warehouses, Wharfs, and other convenient Buildings, and to the Rates to be taken by the Undertakers, and to the Collection and Recovery of Rates (so far as regards Tonnage Rates), and to the Appointment of Harbour Masters, Dock Masters, and Pier Masters, and to the discharging of Vessels; and the Removal of the Goods, and to the Protection of the Harbour, Dock, and Piers, and the Vessels therein, from Fire or other Injury, and to the Police of the Harbour, Dock, or Pier, and to the Byelaws to be made by the Undertakers, and to the Recovery of Damages and Penalties, and the Determination of any other Matter referred to Justices, shall be incorporated with and form Part of this Act.

Power to Commissioners of Woods, &c. to construct Quays, &c.

Certain Provisions of 10 & 11 Vict. c. 27. incorporated with this Act.

XIII. It shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the Time being to demand for every Vessel using Her Majesty's Quays, Wharfs, or Landing Places (except for Shelter in Stress of Weather,) for every Ton Measurement a Sum not exceeding Three Halfpence, such Sum to become due on the Vessel being moored.

Power to demand Wharfage Dues.

XIV. If any Vessel using the said Quays, Wharfs, or Works, or any of them, whether the same shall previously have paid or been liable to Tonnage Rates or not, shall remain at the said Quays, Wharfs, or Works, or any of them, for any longer Space of Time than Fourteen Days, to be computed from the Time of such Vessel first occupying a Berth at or in the said Quay or Works, or any of them, the said Commissioners may demand for every such Vessel a further Rate of One Halfpenny *per* Ton for every Week, and so on in proportion for any Period less than a Week, during which any such Vessel shall remain at the said Quays, Wharfs, or Works, or any of them, beyond the said Period of Fourteen Days, in addition to the Tonnage Rates payable by virtue of this Act: Provided always, that such additional Rates shall not be payable for any Vessel which shall have been prevented from leaving the said Quays, Wharfs, or Works, or any of them, by an Embargo or Stress of Weather.

Further Provision as to Wharfage Dues.

XV. It shall be lawful for the said Commissioners, with the previous Approval of the Lord High Admiral, or Commissioners

Commissioners of Woods, &c., with Consent

of Admiralty,  
may dredge  
Bed of Stone  
Creek.

for executing the Office of Lord High Admiral of the United Kingdom, to be signified in Writing under the Hand of the Secretary to the Admiralty for the Time being, to dredge, deepen, and remove the Bed of the said Creek, or of the River *Humber*, so far as may be necessary, for the Purpose of enabling Vessels of the greatest Draughts of Water that may use the Quays, Wharfs, or Works to have Access to and lie afloat in front of the same.

Expenses of  
Act.

XVI. For the Purpose of defraying the Expense of making, widening, improving, and constructing the several Roads, Quays, Wharfs, Warehouses, Buildings, and Works hereby authorized to be made, widened, improved, or constructed, and also for discharging all the Debts (if any) now due by the Trustees of the said existing Turnpike Road from *Ottringham* to *Sunk Island Church*, it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to advance and apply out of the Capital of the Land Revenues of the Crown, from Time to Time, such Monies as shall be necessary, not exceeding in the whole the Sum of Four thousand Pounds, such Sums to be repaid in manner herein-after provided.

Application of  
Tolls and Dues.

XVII. All the Monies which shall arise and be produced by and from the Tolls, Rates, Duties, and Penalties by this Act authorized to be taken and levied, and all other Monies which shall arise and be produced by virtue hereof, shall be vested in the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the Time being, and shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the first place, in keeping in good and sufficient Repair all and singular the Roads, Wharfs, Quays, Warehouses, Buildings, and Works to be made, widened, improved, or constructed as aforesaid, with their Appurtenances, and providing for the efficient Collection of the Tolls and Duties hereby authorized; secondly, in the Payment of all the Costs, Charges, and Expenses which shall have been incurred in making, widening, or improving the said Roads, or constructing any Quays, Wharfs, Warehouses, or Buildings, and otherwise relating to the Works hereby authorized to be made or constructed; thirdly, in repaying to the Capital of the Land Revenues of the Crown, yearly and every Year until the whole shall be repaid, One Twentieth Part of all the Monies advanced out of the said Capital for the Purposes of this Act; and, subject as aforesaid, all the Produce of the said Tolls, Rates, and other Payments shall be paid to and constitute Part of the annual Land Revenue of the Crown: Provided always, that if in any Year the said Tolls, Rates, and other Payments shall be insufficient to repay the One Twentieth Part of the Capital advanced in manner herein-before mentioned, the Deficiency shall be made good out of the general annual Land Revenue of the Crown, so that the whole Capital advanced shall be replaced in Twenty Years.

Saving Rights  
of the Trustees  
of Keyingham  
and Ottringham  
Drainage.

XVIII. Provided always, That in the Execution of the Works by this Act authorized, the said Commissioners shall not in any way impede, hinder, or obstruct the Outfall at the said *Stone Creek* of the Drainage of the Low Lands drained under and by virtue of an Act of Parliament made and passed in the Forty-second Year of the Reign of His late Majesty King *George the Third*,

Third, for draining and improving the Low Grounds and Carrs lying in the Townships of *Keyingham, Keyingham Marsh, Ryhill, and Camerton*, and other Places within the Seigniorship of *Holderness and East Riding* of the County of *York*, and of an Act of Parliament made and passed in the Ninth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to amend an Act for draining the Low Grounds and Carrs in the Parish of Keyingham and other Places in the East Riding of the County of York*; nor in any way impede, hinder, or obstruct the Outfall at *Stone Creek* aforesaid, of the Drainage of the Lands drained under and by virtue of another Act of Parliament passed in the Session held in the Forty-seventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act for draining, embanking, and improving Lands in the Parish of Ottringham in Holderness in the East Riding of the County of York*; or in anywise affect, injure, damage, or destroy the Cloughs, Sluices, Works, Engines, and Devices erected by the Commissioners under the said last-named Acts or any of them, at or near the said *Stone Creek*, for the draining, running off, issuing, and discharging the Waters from the Cuts and Drains made in pursuance of the said Acts or any of them.

XIX. That nothing in this Act contained shall prejudice or derogate from any of the Rights or Privileges, Jurisdiction, or Authority of the Corporation of the Guild or Brotherhood of Masters and Pilots Seamen of the *Trinity House in Kingston-upon-Hull*.

Saving Rights  
of the Trinity  
House in Hull.

### C A P. XLVI.

An Act to amend an Act of the Eleventh Year of King *George* the Fourth, for amending and consolidating the Laws relating to the Pay of the Royal Navy.

[30th June 1852.]

‘ WHEREAS by the Eighteenth Section of the Act of Eleventh of *George* the Fourth, Chapter Twenty, Provisions are made for the Payment of Wages and Pay of the Officers and Seamen of the Royal Navy, and by such Section it is, among other things, enacted, that there shall always be left Six Months Wages in arrear and unpaid over and above the Wages accruing to the Time during which the Ship’s Books shall have been preparing and examining, but that whenever any Ship shall return home in order to be laid up all the Wages due for such Ship shall be entirely paid off as soon afterwards as may be: And whereas it is expedient to repeal the said Eighteenth Section of the said Act, and to make other Provisions in lieu of those thereby enacted, and also other Provisions in regard to Naval Remittances: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. That from and after the First Day of *October* One thousand eight hundred and fifty-two the Eighteenth Section of the Act of Eleventh of *George* the Fourth, Chapter Twenty, shall be and the same is hereby repealed.

After 1st Oct.  
1852, Section  
18. of 11 G. 4.  
c. 20. repealed.

II. That

Payment to Officers and Men of the Navy and Marines belonging to Ships in Ports or on the Coasts of the United Kingdom.

Restriction as to Amount of Wages to remain due.

As to Remittances where the Ships are not in any Port or on the Coasts of the United Kingdom.

II. That out of all Supplies to be granted by Parliament for Naval Services, the necessary Sums of Money shall be first appropriated, issued, and applied for the regular and punctual Payment of the Pay and Wages of the Officers and Men of the Royal Navy and Royal Marines ; and when any of Her Majesty's Ships in Commission shall be or arrive at any Port of the United Kingdom, or on the Coast thereof, on or after the First Day of *October* One thousand eight hundred and fifty-two, such Officers and Men shall be paid their Pay and Wages according to such Regulations and subject to such Restrictions as the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, shall at any Time or Times or from Time to Time order, direct, or appoint, with Power for such Lord High Admiral or Commissioners to alter or revoke at any Time or Times such Regulations and Restrictions, or any of them, or to make the same or any of them applicable, if he or they think fit, both to sea-going and stationary Ships, or to make some applicable to sea-going Ships and others to stationary Ships, and to order, at any Time or Times, which Ship or Ships shall be deemed sea-going and which shall be deemed stationary : Provided always, that under such Regulations and Restrictions there shall not at any Time be due to any of such Officers and Men, when borne on the Books of any of Her Majesty's Ships in Commission which may be at any such Port or on such Coast, more than the gross Amount of Three Calendar Months Pay and Wages, except when any such Officers or Men shall cease to have full Pay or be discharged from the Service, when all the Pay and Wages which may be due to them or to which they may be entitled as having belonged to any Ship in Commission shall be entirely paid to them as soon as may be.

III. That, notwithstanding anything in the said Act of the Eleventh of *George* the Fourth, Chapter Twenty, or anything in any other Act or Acts contained, all Naval Remittances whatsoever, when made by any Person belonging to One of Her Majesty's Ships not being in any Port of the United Kingdom or on the Coast thereof, may extend to and include all such Wages and Pay which may be due to the Persons respectively making any such Remittances, as the said Lord High Admiral or the said Commissioners may at any Time or Times or from Time to Time order or direct, with Power for him or them at any Time or Times to alter or revoke any such Order or Direction.

### C A P. XLVII.

An Act to enable Her Majesty to abolish otherwise than by Treaty, on Condition of Reciprocity, Differential Duties on Foreign Ships. [30th June 1852.]

59 G. 3. c. 54.

‘ **WHEREAS** by an Act passed in the Fifty-ninth Year of the Reign of King *George* the Third, intituled *An Act to carry into effect a Convention of Commerce concluded between His Majesty and the United States of America, and a Treaty with the Prince Regent of Portugal*, Provisions were made respecting the Rates or Duties payable on Ships or Vessels of the *United States* and *Portuguese* Ships or Vessels entering and touching

‘ touching at the Ports of the United Kingdom or of His Majesty’s  
 ‘ Territories in *Europe*, and respecting the Repayment to Corpo-  
 ‘ rations and Persons of the Amount of the Sums of Money of  
 ‘ which they would be deprived by means of the said Act: And  
 ‘ whereas by an Act passed in the Ninth Year of the Reign of  
 ‘ Her present Majesty, intituled *An Act for granting Duties of* 8 & 9 Vict. c. 90.  
 ‘ *Customs*, it was enacted and declared, that from and after the  
 ‘ Ratification of any Treaty theretofore made by Her Majesty or  
 ‘ any of Her Royal Predecessors subsequently to the Enactment  
 ‘ of the said first-recited Act, or of any Treaty which might  
 ‘ thereafter be made by Her Majesty, Her Heirs and Successors,  
 ‘ with any Foreign Power, in which Treaty had been or should  
 ‘ be contained Provisions similar to those recited in the said first-  
 ‘ recited Act, all and every the Provisions, Clauses, Matters, and  
 ‘ Things in the said first-recited Act contained should apply and  
 ‘ extend to the Trade and Shipping of such Foreign Powers re-  
 ‘ spectively, as fully and effectually to all Intents and Purposes  
 ‘ as to the Trade and Shipping of the said *United States* and of  
 ‘ the said Kingdom of *Portugal*, and also should apply and extend  
 ‘ to differential Duties or Charges on Goods imported or exported  
 ‘ in the Ships of such Foreign Powers, as well as to differential  
 ‘ Duties on the Ships of such Foreign Powers: And whereas  
 ‘ it is expedient that the Provisions of the said first-recited Act  
 ‘ should extend to the Trade and Shipping of any Foreign Power  
 ‘ which, without any Treaty for that Purpose having been made  
 ‘ and ratified between Her Majesty and such Foreign Power, shall  
 ‘ place the Trade and Shipping of *Great Britain* in the Ports  
 ‘ of such Foreign Power on the same Footing in respect of Duties  
 ‘ and Charges as the Trade and Shipping of such Foreign Power:’  
 Be it therefore enacted by the Queen’s most Excellent Majesty,  
 by and with the Advice and Consent of the Lords Spiritual and  
 Temporal, and Commons, in this present Parliament assembled,  
 and by the Authority of the same, as follows :

I. Where it shall appear to Her Majesty that by the Laws or  
 Regulations of any Foreign Power the Trade and Shipping of  
*Great Britain* in the Ports of such Foreign Power have been  
 placed upon the same Footing as the Trade and Shipping of such  
 Foreign Power, either absolutely or on Condition of equal or like  
 Benefits being conceded to the Vessels of such Foreign Power in  
 the Ports of Her Majesty, it shall be lawful for Her Majesty, by  
 Order to be by Her made with the Advice of Her Privy Council,  
 and to be published in the *London Gazette*, to order and declare  
 that the Trade and Shipping of such Foreign Power shall have  
 the Benefit of the Provisions of this Act ; and thereupon all the  
 Provisions, Clauses, Matters, and Things in the said first-recited  
 Act contained shall, so long as such Order in Council shall  
 remain in force, but no longer, apply and extend to the Trade and  
 Shipping of such Foreign Power, as fully and effectually, to all  
 Intents and Purposes, as they apply to the Trade and Shipping  
 of the said *United States* and *Portugal*, or would apply to such  
 Trade and Shipping if the Convention and Treaty intended to be  
 carried into effect by the said first-recited Act were in force, and  
 shall also apply and extend to differential Duties or Charges on  
 Goods imported or exported in the Ships or Vessels of such  
 Foreign

Where the  
 Trade and Ship-  
 ping of *Great*  
*Britain* have  
 been placed in  
 the Ports of any  
 Foreign Power  
 on a Footing  
 of Reciprocity,  
 Her Majesty  
 may issue an  
 Order in Coun-  
 cil, declaring  
 the Trade, &c.  
 of such Foreign  
 Power to have  
 the Benefit of  
 the Provisions  
 of this Act.

Foreign Power, as well as to differential Duties on the Ships or Vessels of such Foreign Power ; and every such Order in Council shall have the same Effect, with reference to such Duties and Charges and to the Exemption from the Payment thereof contained in any Local Act, as if a Treaty of Reciprocity had been concluded and was then in force between Her Majesty and such Foreign Power.

Order in  
Council may  
be revoked.

II. It shall be lawful for Her Majesty, by Order in Council, from Time to Time to revoke any Order in Council previously made under the Authority of this Act.

## C A P. XLVIII.

An Act for the Amendment of the Law respecting the Property of Lunatics. [30th June 1852.]

11 G. 4. &  
1 W. 4. c. 65.  
s. 28.

‘ **W**HEREAS by an Act of Parliament passed in the First Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for consolidating and amending the Laws relating to Property belonging to Infants, Females Covert, Idiots, Lunatics, and Persons of unsound Mind*, a Power is given of ordering any Land of any Lunatic to be sold, or charged and incumbered by way of Mortgage, or otherwise disposed of, for the Purpose of raising Money for the Payment of Debts, and other Purposes therein mentioned, and Provision is thereby made as to the surplus Monies ; and it is expedient that such Powers should be enlarged, and that the several Provisions of the said Act relative thereto, and to the Application of the Money raised, and the Quality of the surplus Monies, should be extended accordingly :’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Powers and  
Provisions of  
the recited Act  
extended to  
other Cases and  
Purposes.

I. The aforesaid Power of selling, or charging and incumbering by way of Mortgage, or otherwise disposing of the Land of any Lunatic, and the aforesaid Provisions relating thereto, or to the Application and Quality of the Monies to be raised, and every of them, is and are hereby extended so as to be applicable to and to include any Estate or Interest of any Lunatic in Land or Stock, in reversion, remainder, or expectancy, and so as to authorize the Payment out of the Monies to be raised of any Expenditure made or Debt incurred after Inquisition found, for the Maintenance or otherwise for the Benefit of the Lunatic, and the Payment of or Provision for the Expenses of his future Maintenance, and the Costs of such Sales, Charges, and Incumbrances, and other Dispositions as are hereby or by the said recited Act authorized.

Modes in which  
future Main-  
tenance may be  
charged.

II. In case of a Charge or Mortgage being made by Order upon an Interest in contingency, or in reversion, remainder, or expectancy, for the Expenses of future Maintenance, the Order may direct the same to be payable and paid, either contingently, if the Interest charged be a contingent one, or upon the happening of the Event if the Interest be depending on an Event which must happen, and either in a gross Sum or in annual or other periodical

periodical Sums, and at such Times, in such Manner, and either with or without Interest, as shall be deemed expedient, and any Charge already made which would have been valid if made after this Act shall be and is hereby declared to be valid.

III. The Powers so given by the said Act as aforesaid, and the Powers herein-before given, may be exercised by and are hereby given to the Person or Persons for the Time being intrusted by virtue of the Queen's Sign Manual with the Care and Commitment of the Custody of the Persons and Estates of Persons found idiot, lunatic, and of unsound Mind ; and the foregoing Provisions shall, as to Jurisdiction, and also as to the Interpretation of Expressions, and in all other respects, so far as may be consistent with the Meaning of this Act, be deemed to be incorporated with the said Act.

By whom Jurisdiction to be exercised.

Foregoing Provisions to be incorporated with the recited Act.

IV. 'And whereas by an Act of Parliament passed in the Ninth Year of the Reign of Her present Majesty Queen Victoria, intituled *An Act for the Regulation of the Care and Treatment of Lunatics*, it was enacted, that when any Person should have been received or taken charge of as a Lunatic upon an Order and Certificates, or an Order and Certificate, in pursuance of the Provisions of the said Act, or of any Act thereby repealed, and should either have been detained as a Lunatic for the Twelve Months then last past, or should have been the Subject of a Report by the Commissioners in pursuance of the Provision therein contained, it should be lawful for the Lord Chancellor to direct that One of the Masters in Lunacy should, and thereupon One of the said Masters should, personally examine such Person, and should take such Evidence and call for such Information as to such Master should seem necessary to satisfy him whether such Person was a Lunatic, and should report thereon to the Lord Chancellor, and such Report should be filed with the Secretary of Lunatics ; and it should be lawful for the Lord Chancellor from Time to Time to make Orders for the Appointment of a Guardian, or otherwise for the Protection, Care, and Management of the Person of any Person who should by any such Report as last aforesaid be found to be a Lunatic, and such Guardian should have the same Powers and Authorities as a Committee of the Person of a Lunatic found such by Inquisition then had, and also to make Orders for the Appointment of a Receiver, or otherwise for the Protection, Care, and Management of the Estate of such Lunatic, and such Receiver should have the same Powers and Authorities as a Receiver of the Estate of a Lunatic found such by Inquisition then had, and also to make Orders for the Application of the Income of such Lunatic, or a sufficient Part thereof, for his Maintenance and Support, and in Payment of the Costs, Charges, and Expenses attending the Protection, Care, and Management of the Person and Estate of such Lunatic, and also as to the Investment or other Application for the Purpose of Accumulation of the Overplus, if any, of such Income, for the Use of such Lunatic, as to the Lord Chancellor should from Time to Time in each Case seem fit : And whereas Doubts have arisen whether the last-mentioned Act extends to authorize a Receiver appointed as

8 & 9 Vict. c.100. s. 95.

aforesaid



‘ aforesaid to receive Dividends on Government or Bank Stock or Annuities standing in the Lunatic’s Name, and it is expedient that these Doubts should be removed.’ Be it therefore enacted as follows :

Power to receive Dividends of Stock in Lunatic’s Name.

Every Receiver of the Estate of such Lunatic as aforesaid, already appointed, or who may be hereafter appointed under the Powers in the said last-recited Act, shall have full Power to demand, and to receive and to give effectual Receipts for the Dividends due or to become due of any Stock belonging to the Lunatic.

Indemnity to Bank of England, &c.

V. This Act shall be and is hereby declared to be a full and complete Indemnity and Discharge to the Governor and Company of the Bank of *England*, and all other Companies and Societies, and their Officers and Servants, for all Acts and Things done or permitted to be done pursuant thereto, and such Acts and Things shall not be questioned or impeached in any Court of Law or Equity to their Prejudice or Detriment.

Receiver may, under Order, make Repairs, Leases, &c.

VI. The Person or Persons for the Time being intrusted as aforesaid may, by Order upon a Petition, direct the Receiver to make such Repairs and Improvements of or upon the Land of the Lunatic, or to make to the Tenant executing the same such Allowance in respect thereof by and out of the Lunatic’s Income, and also to make and execute such Contracts, Agreements, Leases, or Under-leases of or concerning the same, as may seem expedient for the Preservation or Increase of the Income; and every Act done according to such Direction as aforesaid shall be valid and binding to all Intents and upon all Persons whomsoever.

Interpretation of Words.

VII. In the Construction of those Provisions of this Act which refer to the secondly-mentioned Act, the Words “Land,” “Stock,” and “Dividends” respectively shall be interpreted as is provided for the like Words in the first-mentioned Act.

## C A P. XLIX.

An Act to extend the Provisions of the several Acts passed for the Conveyance of Sites for Schools. [30th June 1852.]

‘ **W**HEREAS an Act was passed in the Session of Parliament held in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act to afford further Facilities for the Conveyance and Endowment of Sites for Schools*: And whereas an Act was passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to secure the Terms on which Grants are made by Her Majesty out of the Parliamentary Grant for the Education of the Poor, and to explain the Act of the Fifth Year of the Reign of Her present Majesty, for the Conveyance of Sites for Schools*: And whereas an Act was passed in the Session of Parliament held in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, intituled *An Act to extend and explain the Provisions of the Acts for the granting of Sites for Schools*: And whereas an Act was passed in the Session of Parliament held in the Thirteenth and Fourteenth Years of the

4 & 5 Vict. c. 38.

7 & 8 Vict. c. 37.

12 & 13 Vict. c. 49.

Reign

' Reign of Her present Majesty, intituled *An Act to render more* 13 & 14 Vict.  
 ' *simple and effectual the Title by which Congregations or So-* c. 28.  
 ' *cieties for Purposes of Religious Worship or Education in*  
 ' *England and Ireland hold Property for such Purposes:* And  
 ' whereas an Act was passed in the Session of Parliament held in  
 ' the Fourteenth and Fifteenth Years of the Reign of Her present  
 ' Majesty, intituled *An Act to amend the Acts for the granting of* 14 & 15 Vict.  
 ' *Sites for Schools:* And whereas it is expedient to encourage c. 24.  
 ' the building and promoting of Schools or Colleges for the Sons  
 ' of Yeomen and others, and to extend the Provisions of the said  
 ' recited Acts to the Cases herein-after specified: Be it there-  
 fore enacted by the Queen's most Excellent Majesty, by and with  
 the Advice and Consent of the Lords Spiritual and Temporal,  
 and Commons, in this present Parliament assembled, and by the  
 Authority of the same, as follows: That from and after the passing  
 of this Act all the Provisions contained in the said recited Acts  
 or any of them in relation to the Conveyance and Endowment of  
 Sites for such Schools as are contemplated by the Provisions of  
 the said Acts respectively, shall apply to and be construed to be  
 applicable to the Cases of such Schools as are herein-after spe-  
 cified: (that is to say,) Schools or Colleges for the religious or  
 educational Training of the Sons of Yeomen or Tradesmen or  
 others, or for the theological Training of Candidates for Holy  
 Orders, which are erected or maintained in part by charitable  
 Aid, and which in part are self-supporting, in the same or the like  
 Manner as if such Schools or Colleges as last aforesaid had been  
 expressly specified in the said Act of the Fourth and Fifth Years  
 of Her present Majesty and the said subsequent Acts, and the  
 same or the like Powers had been thereby given for or in relation  
 to the Conveyance and Endowments of Sites for such Schools or  
 Colleges, and for the Residences of Schoolmasters, or otherwise in  
 connexion therewith, as are by the said Acts given for or in  
 reference to the Conveyance and Endowment of Sites for Schools  
 falling within the Provisions of those Acts: Provided always,  
 that no Ecclesiastical Corporation, sole or aggregate, shall be au-  
 thorized to grant any Site under this Act, except for Schools or  
 Colleges which shall be conducted upon the Principles of and be  
 in Union with the Church of *England and Ireland*, as by Law  
 established; and that no Ecclesiastical Corporation, aggregate or  
 sole, shall grant, by way of Gift, and without a valuable Con-  
 sideration, for any of the Purposes of this Act, any greater Quan-  
 tity of Land in the whole than Two Acres; and that no other  
 Person or Persons or Corporation not coming within the Class  
 or Description of Persons empowered by the Second Section of  
 the said Act of the Fourth and Fifth Years of the Reign of Her  
 present Majesty to convey Land for Sites as therein mentioned,  
 shall grant, by way of Sale for a valuable Consideration, for any  
 of the Purposes of this Act, any greater Quantity of Land in the  
 whole than Two Acres, or shall grant any Land whatever for any  
 of the Purposes of this Act by way of Gift and without a valuable  
 Consideration, anything in the said recited Acts or herein-before  
 contained to the contrary notwithstanding.

Provisions of  
 recited Acts as  
 to Conveyances  
 and Endow-  
 ments of Sites  
 for Schools to  
 apply to School's  
 herein specified.

## C A P. L.

An Act to consolidate and amend the Laws relating to the Militia in *England*. [30th June 1852.]

42 G. S. c. 90.

14 & 15 Vict.  
c. 32.

**WHEREAS** an Act was passed in the Forty-second Year of King *George* the Third, "for amending the Laws relating to the Militia in *England*, and for augmenting the Militia," and the said Act has been since amended by divers Acts: And whereas by divers Acts, and ultimately by an Act of the last Session of Parliament, Chapter Thirty-two, all Proceedings for and relating to the Balloting or Enrolment of Militia Men stand suspended until the First Day of *October* One thousand eight hundred and fifty-two, subject to the Power of Her Majesty, by Order in Council, to direct any such Proceedings to be had at any Time before the Expiration of that Period: And whereas it is expedient, for better fulfilling the Purposes of the Institution of the Militia with as little Disturbance as may be to the ordinary Occupations of the People, that the Laws for raising and regulating the Militia should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Secretary of State may make Regulations as to Qualification for Service of Officers.

I. It shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time to make Regulations limiting the Ages at which Persons may be appointed Officers of the several Ranks in the Militia, and for securing the Appointment of Persons as such Officers who are qualified to discharge the Duties of Officers of their respective Ranks, and also for that Purpose to prescribe by such Regulations any Conditions, as to Drill, Training, and Exercise, or otherwise, under or subject to which any such Appointment shall be made.

Persons holding certain Military Ranks may be appointed Field Officers.

II. Notwithstanding anything contained in the said first-recited Act or any other Act, any Person holding or having held the Rank of Captain or any higher Rank in Her Majesty's other Forces, or in the Forces of the *East India* Company, may, without any Property Qualification, be appointed a Captain or Major of the Militia; and any Person holding or having held the Rank of Major or any higher Rank in any of the said Forces may, without any such Qualification, be appointed a Lieutenant-Colonel or Colonel of the Militia; and any Person who shall have been qualified to receive and shall have received a Commission of Major or Lieutenant-Colonel in the Militia shall be qualified to receive and hold a Commission of higher Rank in the Militia.

42 G. S. c. 90. as to certain Property Qualifications repealed.

III. All the Provisions of the said first-recited Act or any other Act relating to Property Qualifications in the Case of Persons to be appointed Officers in the Militia shall, save as respects Appointments to the Rank of Captain or any higher Rank, be repealed.

Qualification of Deputy Lieutenant, Captain, or Officer of higher Rank.

IV. For the Purposes of the Qualification of any Deputy Lieutenant and of any Captain or Officer of higher Rank in the Militia, a clear yearly Income arising from any Personal Estate within the United Kingdom of *Great Britain* and *Ireland*, of or to which Personal Estate or the yearly Income thereof such Deputy

Deputy Lieutenant or Officer is possessed or entitled at Law or in Equity for his own Use and Benefit, in possession for his own Life, or for the Life of his Wife, or for some greater Estate or Interest, shall be deemed equivalent to an Estate in Lands of a yearly Value of the same Amount with such yearly Income, and such yearly Income from Personal Estate shall be admitted in whole or in part of any such Qualification accordingly.

V. The Provisions of the said first-recited Act and of an Act of the Fifty-fifth Year of King George the Third, Chapter Sixty-five, authorizing Officers entitled to Half Pay to receive the same while serving as such Officers as therein mentioned in the Militia, shall extend to Officers entitled to Half Pay who shall be appointed Field Officers in the Militia.

Certain Provisions respecting Half Pay extended to Field Officers.

VI. It shall be lawful for Her Majesty to appoint from Time to Time such Persons as to Her Majesty may seem proper to be Quartermasters, Paymasters, Serjeants Major and Serjeants of the Militia; and the Provisions of the said first-recited Act applicable to Adjutants appointed by Her Majesty as therein provided shall be applicable to Adjutants to be appointed as aforesaid: Provided always, that while any Regiment, Battalion, or Corps of Militia is drawn out and embodied, it shall be lawful for the Colonel or Commanding Officer of such Regiment, Battalion, or Corps to appoint from Time to Time the Serjeant Major and Serjeants of such Regiment, Battalion, or Corps, as Occasion may require, for supplying any Vacancy or Vacancies, or completing the full Number of such Serjeants.

Power to Her Majesty to appoint Adjutants, &c.

While Militia is embodied Colonels to appoint Serjeants.

VII. All Officers now holding Commissions in the Regular Militia may, subject to such Regulations as may hereafter be made by the Secretary of State, continue to hold such Commissions in the Militia to be raised under this Act, and to rank in the Militia Service according to the Dates of the Commissions now held by them respectively; and all Officers now holding such Commissions as aforesaid who shall not be so continued under this Act shall notwithstanding continue to hold their present Titles and Ranks as Officers of the Militia; and nothing herein contained shall extend to deprive such Officers not so continued of any Allowances to which they may now be entitled in respect of having held Commissions in the Militia when the same was last disembodied, or otherwise in respect of past Services, or to affect the Provisions authorizing the Grant of any retired or other Allowances to such Officers in respect of having held Commissions or of past Services as aforesaid.

Existing Officers who are qualified for Service may continue.

Officers not so continued shall retain their Ranks.

VIII. It shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, to raise and from Time to Time to keep up any Number not exceeding Eighty thousand Private Militia Men, to serve for the several Counties, Ridings, and Places required by the said first-recited Act to raise Militia, Fifty thousand of whom may be raised in the Year One thousand eight hundred and fifty-two, and Thirty thousand in the Year One thousand eight hundred and fifty-three: Provided always, that if it happen that the Number of Men to be raised in either of such Years shall not be fully raised in the Year in which the same is appointed to be raised, the Number deficient may be raised, as soon as may be, thereafter.

Number of Militia to be raised.

Quotas of  
Counties to be  
fixed by Order  
in Council.

IX. It shall be lawful for Her Majesty, with the Advice of Her Privy Council, forthwith after the passing of this Act, and afterwards from Time to Time as Occasion may appear to Her Majesty to require, to ascertain and fix the Number of Militia Men who shall, until other Quotas shall be fixed in like Manner, serve for each County, Riding, and Place, and the Numbers so fixed as aforesaid shall be transmitted to the respective Lieutenants of the said Counties, Ridings, and Places from Time to Time, and Notice of the same shall be published in the "*London Gazette*," and the Numbers so from Time to Time appointed by Her Majesty shall be the Quotas of the several Counties, Ridings, and Places until other Quotas are appointed in like Manner.

Her Majesty  
may, by Order  
in Council, make  
Subdivisions  
conterminous  
with Superin-  
tendent Regis-  
trars Districts,  
under 6 & 7 W. 4.  
c. 86.

X. It shall be lawful for Her Majesty, with the Advice of Her Privy Council, from Time to Time, in case it appear to Her expedient so to do for more conveniently apportioning the Quotas of Men to be furnished under this Act by the several Subdivisions of any County, Riding, or Place, to alter all or any of such Subdivisions, or to constitute new Subdivisions therein, so as to make all or any of such Subdivisions conterminous with the Superintendent Registrars Districts established under the Act passed in the Seventh Year of King *William the Fourth*, "for registering "Births, Deaths, and Marriages in *England*," or any Act amending the same, or with Two or more of such Districts added together; and where it appears that any such District not situate wholly in One County, Riding, or Place may for the Purposes of this Act be conveniently made Part of any County, Riding, or Place in which the same is partly situate, to declare that the whole of such District shall for such Purposes form Part of such County, Riding, or Place, and from and after such Time as shall be mentioned in the Order in Council the whole of such District shall for all the Purposes of this Act be deemed to be situate within any Part of such County, Riding, or Place accordingly.

Militia Men  
to be raised  
by voluntary  
Enlistment.

XI. For the Purpose of raising the Number of Men required to be raised under this Act, the Lieutenants of the said several Counties, Ridings, and Places shall, in the Year One thousand eight hundred and fifty-two, as soon as conveniently may be after the passing of this Act, and in the Year One thousand eight hundred and fifty-three at such Time as Her Majesty shall, by Order made with the Advice of Her Privy Council, appoint for that Purpose, direct their Deputy Lieutenants, or the Colonels or Commanding Officers of the Regiments, Battalions, or Corps of Militia of their respective Counties, Ridings, and Places, without Delay, to proceed to raise and enrol Volunteers to serve for the Term of Five Years in the Militia of such Counties, Ridings, or Places, not exceeding the Numbers of Men for the Time being authorized to be therein raised under this Act, and such Deputy Lieutenants, Colonels, or Commanding Officers, and the Commissioned and Non-commissioned Officers of the Militia duly authorized by such Colonels or Commanding Officers, shall forthwith proceed to raise such Volunteers, being resident in the County in which such Men are directed to be raised, or in any County immediately adjoining thereto, and being able-bodied Men between such Ages and of such Height as shall be from Time to Time fixed by Regulations made by Her Majesty's Secretary-at-War

War as herein provided, and for such Bounties or other Payments as shall be from Time to Time authorized by such Regulations.

XII. Provided always, That where the Number of Men for the Time being required to be raised under this Act for any County, Riding, or Place has not been raised by voluntary Enlistment, it shall be lawful for Her Majesty, if it appear to Her advisable so to do, by Order signed by One of Her Principal Secretaries of State, to authorize and direct all or any Part of such Number of Men as shall be deficient to be raised by voluntary Enlistment in and for any County, Riding, or Place in which the full Quota may have been raised and kept up; but no Ballot shall be had in such County, Riding, or Place for keeping up any greater Number of Militia Men in such County, Riding, or Place than would have been required to be kept up therein in case such Order had not been made.

The Number not raised by Enlistment in any County may be raised by Enlistment as a supplemental Corps in another County.

XIII. It shall be lawful for Her Majesty's Secretary-at-War from Time to Time to make Regulations as to the Amount of the Sums to be paid to Volunteers under this Act by way of Bounty or periodical Payment or Allowance in consideration of their enlisting in the Militia, (such Bounty in no Case to exceed Six Pounds, and such periodical Payment or Allowance in no Case to exceed after the Rate of Two Shillings and Sixpence *per* Month during the Term of Service for which the Volunteer is enrolled,) and as to the Time or respective Times, Conditions, and Manner of the Payment thereof, and as to the Ages between which Men may be received as such Volunteers, and as to the Height and for the Examination and Approval by Medical Men of all Men to be raised for the Militia under this Act, whether as Volunteers or otherwise, and as to all other Matters which, under the Provisions herein contained, are made subject to Regulations to be made by such Secretary-at-War.

Secretary-at-War may make Regulations.

XIV. All Regulations made under this Act shall be laid before both Houses of Parliament within Twenty-one Days next after the making thereof, if Parliament be then sitting, or if Parliament be not then sitting then within Twenty-one Days after the next Meeting of Parliament.

Regulations to be laid before Parliament.

XV. The Deputy Lieutenants, or the Colonels or Commanding Officers of the Regiments, Battalions, or Corps of Militia, shall from Time to Time, and so long before the Expiration of the respective Terms of Service of the Militia Men belonging to their respective Regiments, Battalions, or Corps as shall be directed by Regulations to be made by the Secretary-at-War, raise and enrol or cause to be raised and enrolled Volunteers to supply the Places of such Militia Men; and such Colonels or Commanding Officers shall from Time to Time, subject to any Regulations to be so made, raise and enrol or cause to be raised and enrolled Volunteers for supplying casual Vacancies by reason of Militia Men dying before the Expiration of their Term of Service, or being promoted to be Non-commissioned Officers or Drummers (except where they are so promoted in the Room of Non-commissioned Officers or Drummers reduced to the Ranks), or being discharged as unfit for Service, or in pursuance of the Sentence of a Court-martial, or having deserted.

Volunteers to be raised for supplying the Places of Men whose Time is about to expire, and for supplying Vacancies by Death, &c.

Volunteers to be sworn and enrolled.

**XVI.** Every Volunteer so raised as aforesaid shall, when he has been examined and approved according to such Regulations as shall be made by the Secretary-at-War, take the Oath appointed by the Act of the Fifty-first Year of King *George the Third*, Chapter One hundred and eighteen, inserting therein the Name of the Sovereign for the Time being, to be taken by Men raised by Ballot, which Oath shall and may be administered by any Justice of the Peace or Deputy Lieutenant for the County, Riding, or Place in which such Volunteer shall have been raised, or in which the Regiment, Battalion, or Corps for which he shall have been raised shall be at the Time of his joining the same; and every such Volunteer shall be enrolled in a Roll, to be prepared and kept by or under the Direction of the Colonel or Commanding Officer, to serve in the Militia for the County, Riding, or Place for which he is raised, as a Militia Man, for the Space of Five Years.

Lists of Volunteers to be transmitted to Clerk of General Meetings.

**XVII.** The Deputy Lieutenants and the said Colonels or Commanding Officers shall keep or cause to be kept true and regular Entries of the Names, Additions, and Places of Residence of the Persons who shall be enrolled as aforesaid, and shall within such Time as shall be directed by the Lieutenant of the County, Riding, or Place in that Behalf, transmit Copies of such Entries, certified by them respectively, to the Clerk of General Meetings of the County, Riding, or Place for which such Men have been enrolled.

Where Men cannot be raised by voluntary Enlistment, Her Majesty in Council may order a Ballot.

**XVIII.** In case it appear to Her Majesty, after the Thirty-first of *December* in the Year One thousand eight hundred and fifty-two that the Number of Men required to be raised under this Act in such Year for any County, Riding, or Place cannot be raised by voluntary Enlistment, under the Provisions of this Act, or it appear to Her Majesty in any subsequent Year that the Number of Men for the Time being to be raised under this Act for any County, Riding, or Place for keeping up the full Number of Men herein-before appointed to be raised and kept up cannot be raised in manner aforesaid, or in case of actual Invasion or imminent Danger thereof, it shall be lawful for Her Majesty in any such Cases, with the Advice of Her Privy Council, if it appear to Her advisable so to do, to order and direct that the Number of Men so required to be raised shall be raised by Ballot as herein provided.

General Meetings to apportion De-ficiences among Subdivisions and Parishes.

**XIX.** Whenever, by such Order in Council as aforesaid, any Men are required to be raised for any County, Riding, or Place by Ballot, the Lieutenant and Deputy Lieutenants of such County, Riding, or Place, assembled at a General Meeting to be held for that Purpose, shall ascertain how many of the Private Men for the Time being serving in the Militia of such County, Riding, or Place were at the Time of their being enrolled resident in each of the Subdivisions and Parishes thereof, and shall apportion the Number of Men required to be raised by Ballot among the several Subdivisions and Parishes of such County, Riding, or Place, and shall make such Apportionment as near as may be according to the Number of Men fit and liable to serve in the Militia resident in such Subdivisions and Parishes respectively, giving Credit to each Subdivision and Parish for the Private Men for the Time being actually serving as aforesaid, and who at the Time of being enrolled were resident in such Subdivisions and Parishes respectively;

tively; and where the Number of Private Men serving as aforesaid, and who at the Time of being enrolled were resident in any Subdivision or Parish, amounts to the full Number of Men which, upon a just Apportionment of the whole Number of Militia Men required to serve for such County, Riding, or Place among the several Subdivisions and Parishes thereof according to the Number of Men fit and liable to serve in the Militia resident therein respectively, ought to be furnished by any such Subdivision or Parish, no Proceeding for or in relation to a Ballot shall be had for such Subdivision or Parish, but the Men required to be raised by Ballot as aforesaid shall be apportioned among the other Subdivisions or Parishes as herein-before mentioned, and the Number of Men apportioned under this Provision shall be raised by Ballot in the Subdivisions and Parishes to which they are so apportioned accordingly, and such General Meeting shall do all Acts necessary for raising such Men to be raised by Ballot with all convenient Speed according to the Provisions of the said first-recited Act and the Acts amending the same.

XX. Provided always, That Men shall not be liable to be balloted for the Militia after Thirty-five Years of Age; and all the Provisions of the said first-recited Act, and the Acts amending the same, shall be construed accordingly.

XXI. And no Member of the Senate of the University of *London*, nor any Examiner, Professor, Tutor, or Lecturer of the said University, or of any College, School, or Institution connected with the said University, under the Provisions of any Charter thereof, nor any Student of any such College, School, or Institution duly matriculated in the said University, and actually receiving Education in any of the said Colleges, Schools, or Institutions, nor any resident Member of the University of *Durham*, or of the Colleges of *St. David*, *Lampeter*, or *St. Bees*, shall be liable to serve or provide a Substitute for the Militia.

XXII. The Constables or other Officers of any Parish, Tything, or Place who, under the said first-recited Act, or any Act amending the same, are required to affix a Copy of every List to be returned to any Subdivision Meeting for the Purposes of a Ballot, with a Notice of the Day, Hour, and Place of the Meeting for hearing Appeals, shall affix a like Copy and Notice on the Door or the outer Wall near the Door of every Church and Public Chapel in such Parish, Tything, or Place, including Places of Public Worship which do not belong to the Established Church (but no List or Notice shall be invalidated by reason of the same not having been affixed in every Place herein required for the Publication thereof); and the *Sunday* on which every such Copy and Notice shall be affixed as aforesaid shall be Fourteen Days at the least before the Day appointed for the Meeting for hearing Appeals, and the Time for holding such Meeting may be appointed accordingly, notwithstanding such Time may exceed One Month after the issuing of any Order or Precept for the Return.

XXIII. Where any Person is incapacitated from serving in the Militia by reason of any Infirmary it shall be sufficient in any Return or List for the Purposes of the Militia to state that such Person is infirm, without describing or otherwise specifying the Nature of his Infirmary.

Subdivisions and Parishes in which the full Number of Volunteers has been raised to be wholly exempt.

Men not liable to the Ballot after 35 Years of Age.

Members of *London* and *Durham* Universities and *Lampeter* and *St. Bees* Colleges exempted.

Publication of Lists and Notices of Meetings for hearing Appeals.

Nature of Infirmary need not be stated in Returns.



Registrar General may be directed to furnish Information to Lieutenants of Counties for their Guidance in making Apportionments.

Her Majesty may direct into what Regiments, &c. Militia shall be formed, and with what Officers and Staff.

43 G. 3. c. 19. and 55 G. 3. c. 65. s. 5. repealed as to England.

Her Majesty may call out Militia for Training more than once in a Year.

Her Majesty may, by Order in Council, cause Militia to be exercised out of their own Counties, or extend or reduce the Period of Exercise.

XXIV. The Registrar General shall from Time to Time, when directed by One of Her Majesty's Principal Secretaries of State, furnish to the Lieutenants of the said several Counties, Ridings, and Places, from the Returns which have been or may from Time to Time be made to him by Authority of Parliament, and from the other Documents in his Custody or Power, such Information or Estimates as such Secretary of State may direct of the Number of Men fit and liable to serve in the Subdivisions and Parishes of such several Counties, Ridings, and Places, for the Guidance of such Lieutenants and their Deputy Lieutenants in apportioning, as herein-before directed, the Number of Men required to be raised by Ballot; and it shall be lawful for such Lieutenants and Deputy Lieutenants, in making such Apportionments, to act upon the Information or Estimates so furnished.

XXV. It shall be lawful for Her Majesty, by Order signified by One of Her Principal Secretaries of State, from Time to Time to direct the Lord Lieutenants to form the Militia of their several Counties, Ridings, and Places into such Companies, Regiments, Battalions, or Corps as to Her Majesty may seem fit, and to direct what Number of Officers and of what respective Ranks shall be appointed thereto, and what shall constitute the Staff thereof; and where the Number of Militia Men required to be raised for any County, Riding, or Place appears to Her Majesty insufficient to be conveniently formed into a separate Regiment, Battalion, or Corps, to direct the Militia of such County, Riding, or Place to be united with the Militia of any County, Riding, or Place adjoining; but, save where Her Majesty otherwise directs, the Militia of the several Counties, Ridings, and Places shall be formed into such Companies, Regiments, Battalions, or Corps, with such Officers and Staff, as directed by the said first-recited Act and Section Three of the Act of the Tenth Year of King *George* the Fourth, Chapter Ten.

XXVI. The Act of the Forty-third Year of King *George* the Third (Chapter Nineteen), "to authorize the training and exercising the Militia of *Great Britain* for Twenty-eight Days," as amended by Section Five of the Act of the Fifty-fifth Year of His said Majesty (Chapter Sixty-five), "to amend the Laws relating to the Militia of *Great Britain*," so far as the same relate to the Militia in *England*, shall be repealed, and the Period of Training and Exercise shall, save as herein-after provided, be Twenty-one Days in every Year; and Her Majesty may, if She see fit, direct all or any Part of the Militia of any County, Riding, or Place to be called out for Training and Exercise more than once in every or any Year, and at such Time or Times as Her Majesty may think fit, so as the whole Period of Training and Exercise of any Militia Man do not exceed Twenty-one Days in any Year, save as herein-after provided.

XXVII. Provided always, That it shall be lawful for Her Majesty from Time to Time, where, with the Advice of Her Privy Council, She may see fit, to order all or any Part of the Militia to be marched out of their own respective Counties, Ridings, or Places into any Part of *England* or *Wales*, for the Purpose of Training and Exercise, and also where, with such Advice as aforesaid, Her Majesty may see fit so to do, to extend or reduce the Period of Training

Training and Exercise of all or any Part of the Militia, so as the whole Period of Training and Exercise in any Year shall not exceed Fifty-six Days nor be less than Three Days.

XXVIII. It shall be lawful for the Lieutenants of the several Counties, Ridings, and Places, with the Approbation of One of Her Majesty's Principal Secretaries of State, to take on Lease or Hire, for or during such Terms or Periods as they may think necessary, Pieces of Ground convenient for the Training and Exercise of the Militia of such Counties, Ridings, and Places.

Lieutenants to provide Places for Exercise.

XXIX. It shall be lawful for Her Majesty, if She think fit, to order and direct that any Militia Men who shall be attached to the Service of the Artillery, and shall do Duty as Artillery Men, shall receive increased Pay, not exceeding such and the like Pay, during the Time of their serving and doing Duty as Artillery Men as aforesaid, as any of the Men serving in the Royal Corps of Artillery are or may be entitled to, and it shall also be lawful for Her Majesty to direct the same to be paid for such Periods, and under and subject to such Regulations and Restrictions, as Her Majesty may from Time to Time deem proper and necessary.

Her Majesty may order increased Pay to Militia Men attached to the Artillery.

XXX. It shall be lawful for Her Majesty, in case of actual Invasion, or imminent Danger thereof, the Reason being first communicated to Parliament, if Parliament be then sitting, or declared in Council, and notified by Proclamation, if Parliament be not sitting or in being, to order and direct, by Her Royal Proclamation, that, in addition to the Number of Men for the Time being required to be raised under the Provisions hereinbefore contained, there shall be forthwith raised and enrolled such Number of Men as to Her Majesty may seem fit, so as the whole Number of Men for the Time being raised under this Act shall not exceed One hundred and twenty thousand; and the Lieutenants and Deputy Lieutenants of the several Counties, Ridings, and Places shall forthwith proceed to raise and enrol such additional Men at such Time or Times as shall be specified for that Purpose in such Proclamation; and all the Provisions herein contained, so far as the same are applicable, shall extend and be applicable to and for the raising, enrolling, training, and exercising, and the drawing out and embodying, of the additional Men so ordered and directed to be raised and enrolled, and to the additional Men so raised: Provided always, that it shall be lawful for Her Majesty, whenever She may deem it expedient so to do, to reduce the whole or any Part of such additional Number of Men, and by Royal Proclamation to declare such Reduction accordingly.

In case of Invasion, or imminent Danger thereof, Her Majesty may raise the Militia to 120,000 Men.

XXXI. Whenever Her Majesty shall cause such additional Number of Men to be raised and enrolled, or drawn out and embodied as aforesaid, if Parliament be then separated by such Adjournment or Prorogation as will not expire within Fourteen Days, Her Majesty may and shall issue a Proclamation for the meeting of Parliament within Fourteen Days, and Parliament shall accordingly meet and sit upon such Day as shall be appointed by such Proclamation, and continue to sit and act, in like Manner, to all Intents and Purposes, as if it had stood adjourned or prorogued to the same Day.

When additional Number of Men is raised, Parliament to meet within 14 Days.

The Provisions of 42 G. 3. c. 90. as amended to extend to this Act.

XXXII. All the Provisions of the said first-recited Act, and of any Acts amending the same, not hereby repealed, shall, subject to the Provisions of this Act, and so far as the same are not inconsistent herewith, extend and be applicable to the Militia to be raised under this Act, and to all the Purposes thereof: Provided always, that no Ballot nor any Meeting or other Proceedings for or in relation to a Ballot shall be had under the said first-recited Act, and the Acts amending the same, save when Her Majesty shall order Men to be raised by Ballot as herein-before provided; and the Militia to be raised under this Act shall be in substitution for, and not in addition to, the Militia directed to be raised by the said first-recited Act.

Quakers not to be committed to Gaol if no Distress can be levied.

XXXIII. That so much of the said first-recited Act as empowers the Deputy Lieutenants to commit a Quaker to the Common Gaol if no Goods or Chattels belonging to such Quaker can be found sufficient to levy a Distress to defray the Expense of providing and hiring a Substitute for such Quaker, be and the same is hereby repealed.

Militia may be billeted in the Beer Houses in which Soldiers may be billeted. 11 G. 4. & 1 W. 4. c. 64.

XXXIV. The Provisions of any Act or Acts applicable for or to the quartering and billeting of the Militia shall extend and be applicable for and to the quartering and billeting of the Militia in the Houses and Premises of all Persons licensed to sell Beer or Cider by Retail under the Act of the First Year of King *William* the Fourth, "to permit the general Sale of Beer and Cider by "Retail in *England*," and the Acts amending the same, to whom, under such Acts or any of them, the Provisions in respect of billeting Soldiers in Victualling Houses contained in any Act for punishing Mutiny and Desertion, and the better Payment of the Army and their Quarters, are declared or made to extend.

Militia of the Tower Hamlets. 37 G. 3. c. 25.

XXXV. ' And whereas under an Act of the Thirty-seventh Year of King *George* the Third, "for the better raising and "ordering the Militia of the *Tower Hamlets* in the County of " *Middlesex*," Her Majesty's Constable of the *Tower* and Lieutenant of the *Tower Hamlets* is empowered and required to call "together, arm, array, and cause to be trained and exercised, the "Militia in and for the Liberty or District of the *Tower Division* "in the County of *Middlesex* commonly known by the Name of the " *Tower Hamlets*; and by the said Act of the Forty-second Year "of King *George* the Third the Provisions thereof were made "applicable to such Militia, so far as the same were not contrary "to the Provisions of the said Act of the Thirty-seventh Year of "King *George* the Third: And whereas the Number of Men to be "raised for the Militia of the *Tower Hamlets* was in addition to "the Number of Men required to be raised for the Militia under "the said Act of the Forty-second Year of King *George* the "Third; and it is expedient that the Number of Men to be raised "for the Militia of the *Tower Hamlets* should be and form Part "of the Eighty thousand Men herein-before required to be raised, "and of any additional Number of Men which, under the Power "herein-before contained, may be required to be raised, and that "the Provisions herein-before contained for the raising of such "Men, and otherwise in relation to the Militia, should extend to "the Militia of the *Tower Hamlets*:'

In apportioning the said Eighty thousand Men, and any such additional Number of Men as aforesaid, among the several Counties, Ridings, and Places, under the Provisions herein-before contained, a Part of such Number and additional Number of Men shall be apportioned to be raised as and for the Militia of the *Tower Hamlets*; and all the Provisions of this Act for the raising and Enrolment of Men by voluntary Enlistment, and for and in relation to the Payments to be made to such Volunteers, and otherwise in relation to the Militia, shall extend and be applicable to and for the raising and Enrolment of Men for the Militia of the *Tower Hamlets* by and under the Authority of the said Constable and Lieutenant and his Deputy Lieutenants, and to such Militia, in like Manner as the same are applicable to and for the raising and Enrolment of the Militia of any County by and under the Authority of the Lieutenant and Deputy Lieutenants of such County, and to the Militia of such County.

XXXVI. Notwithstanding anything herein contained, the Militia of the City of *London* shall continue to be raised and regulated under the Provisions of an Act of the First Year of King *George* the Fourth, "for amending and reducing into One Act of Parliament Two several Acts passed in the Thirty-sixth and Thirty-ninth Years of the Reign of His late Majesty King *George* the Third, for the better ordering and further regulating of the Militia of the City of *London*;" and nothing herein contained shall be taken to repeal or alter the Provisions of such Act, but the Number of Militia Men required to be raised thereunder shall be and form Part of the Eighty thousand Men herein-before required to be raised, and the Provisions of the Act for or in relation to the Payment to be made to Volunteers shall extend and be applicable to such Volunteers as shall be raised for the said City of *London*.

Saving of the  
Militia of the  
City of *London*.

XXXVII. Notwithstanding anything herein contained, the Provisions contained in an Act of the Forty-fourth Year of King *George* the Third, Chapter Fifty-four, intituled *An Act to consolidate and amend the Provisions of several Acts relating to Corps of Yeomanry and Volunteers of Great Britain, and to make Regulations relating thereto*, shall continue in force, so far as the same applies to the Enrolment of Corps of Yeomanry and Volunteers, and the Exemptions to which such Corps are entitled by virtue of the last-mentioned Act.

As to Yeomanry  
and Volunteer  
Corps.

XXXVIII. 'And whereas under the Act of the Forty-second Year of King *George* the Third, Chapter Seventy-two, Provision is made for raising a Body of Miners in the Counties of *Cornwall* and *Devon* in the Nature of a Militia Force, and such Act was amended by an Act of the Fifty-first Year of King *George* the Third, Chapter One hundred and fourteen :'

Miners of *Cornwall*  
and *Devon*.  
42 G. 3. c. 72.  
51 G. 3. c. 114.

In apportioning the said Eighty thousand Men, and any such additional Number of Men as aforesaid, among the several Counties, Ridings, and Places under the Provisions herein-before contained, a Part of such Number and additional Number of Men shall be apportioned to be raised as and for the Regiment of Miners in the Counties of *Cornwall* and *Devon*, and all the Provisions of this Act for the raising and Enrolment of Men by voluntary Enlistment, and for and in relation to the Payments to be made to Volunteers,

- Volunteers, shall extend and be applicable to and for the raising and Enrolment of Miners in the Counties of *Cornwall* and *Devon* by and under the Authority of the Warden of the Stannaries of the Counties of *Cornwall* and *Devon*, and his Special Deputy Wardens, and to the said Regiment of Miners in like Manner as the same are applicable to and for the raising and Enrolment of the Militia of any County by and under the Authority of the Lieutenant and Deputy Lieutenants of such County, and to the Militia thereof, but so that in the event of Men being required under the Provisions of this Act to be raised by Ballot for the said Regiment the Provisions of the said Act of the Forty-second Year of King *George* the Third, Chapter Seventy-two, and of any Act amending the same, shall (subject to the Provisions of this Act) be applicable and put in force for the Purpose of raising such Men; and the Oath to be taken by Volunteers raised under this Act for such Regiment of Miners shall be the Oath appointed by the Act of the Fifty-first Year of King *George* the Third, Chapter One hundred and fourteen, to be taken by Men raised by Ballot for the said Regiment (inserting in such Oath the Name of the Sovereign for the Time being); and no Man shall be liable to be balloted for the said Regiment after Thirty-five Years of Age.
- 42 G. 3. c. 72.
- 51 G. 3. c. 114.

## C A P. LI.

An Act to extend the Provisions of the Acts for the Commutation of Manorial Rights, and for the gradual Enfranchisement of Lands of Copyhold and Customary Tenure.

[30th June 1852.]

- ‘ **W**HEREAS an Act was passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for the Commutation of certain Manorial Rights in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such Rights, and for facilitating the Enfranchisement of such Lands, and for the Improvement of such Tenure*: And whereas the said Act was amended and explained by an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of Her present Majesty, and by an Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty: And whereas it is expedient to extend the Provisions of the said Acts in manner herein-after provided:’ May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:
- 4 & 5 Vict. c. 35.
- 6 & 7 Vict. c. 23.
- 7 & 8 Vict. c. 55.

For effecting  
Enfranchisement  
after next  
Admittance.

I. At any Time after the next Admittance to any Lands which shall take place on or after the First Day of *July* One thousand eight hundred and fifty-three, in consequence of any Surrender, Bargain and Sale, or Assurance thereof (except upon or under a Mortgage in Cases where the Mortgagee is not in possession,) or in consequence of any Descent, Gift, or Devise, and whether such Surrender, Bargain and Sale, or Assurance shall have been made,

made, passed, or executed, or such Descent shall happen, or such Gift or Devise shall take effect before or after that Day, it shall be lawful for the Tenant so admitted or for the Lord to require and compel Enfranchisement in manner herein-after mentioned of the Lands to which there shall have been such Admittance as aforesaid; provided that no such Tenant shall be entitled to require such Enfranchisement until after Payment or Tender of the Fine or Fines and of the Fees consequent on such Admittance: Provided also, that if from any Cause such Enfranchisement shall not take place until some Event shall have happened which may require a second or any subsequent Admittance, such second or subsequent Admittance shall be made, with all the Rights incident thereto, as if this Act had not passed, and it shall be competent for the Lord or Tenant to require and compel Enfranchisement upon or after such second or subsequent Admittance in the Manner hereby provided for Enfranchisement upon the next Admittance.

II. In every Case where under the Powers of this Act any Lord or Tenant shall become entitled to require, and shall require the Enfranchisement of any Copyhold Lands, he shall give Notice in Writing, the Lord to the Tenant, or the Tenant to the Lord, as the Case may be, of his Desire that such Lands should be enfranchised, and the Consideration to be paid to the Lord for such Enfranchisement shall, unless the Parties agree about the same, be ascertained under the Direction of the Copyhold Commissioners, upon Application to them in Writing in the Manner following, *viz.* by Two Valuers, One to be appointed by the Lord, and the other by the Tenant; and such Two Valuers before they proceed shall appoint an Umpire to whom any Points in dispute between them shall be referred; and in case the Valuers or Umpire, as the Case may be, shall not make their or his Decision, and deliver the Particulars thereof in Writing to the Lord and Tenant, or the Solicitor or Agent of such Lord and Tenant, within Forty-two Days after the Appointment of such Valuers, or after the Matter shall have been referred to such Umpire, as the Case may be, then the Commissioners shall act as Umpire in fixing the Consideration to be paid or rendered to the Lord; and in any Case where either Party shall neglect or refuse for Twenty-eight Days after being called on so to do to appoint his Valuer, the Commissioners shall appoint a Valuer for him as soon as may be after the Expiration of such Twenty-eight Days; and in any Case where any Valuers appointed under this Act, either originally or in the Place of any other Valuer, shall for the Space of One Week after their Appointment be unable to agree in the Appointment of such Umpire, the Commissioners shall appoint such Umpire; and such Umpire shall give in his Award in manner and within the Time aforesaid, and if he shall neglect or refuse or on any account fail so to do, the Commissioners shall act as such Umpire as aforesaid: Provided always, that it shall be lawful for the Lord and Tenant to appoint One and the same Person as Valuer, and in such Case the Valuations, Acts, and Award of such single Valuer shall have the same Effect as the Valuations, Acts, and Award of the Valuers or Umpire under the Provision herein contained: Provided also, that it shall be lawful for the said Commissioners, on Application to them in Writing by such Lord or Tenant, or such

Mode of  
effecting En-  
franchisements.

such Umpire as aforesaid, if the said Commissioners shall see fit, to extend the Time within which a Valuer may be appointed, or any Decision or Award under this Act may be given.

Revoking Ap-  
pointment of  
Valuer; Com-  
missioners may  
remove for Mis-  
conduct, &c.

III. The Appointment of a Valuer by the Lord or by the Tenant shall not be afterwards revoked, except by the mutual Consent of the Lord and Tenant; provided always, that it shall be lawful for the Commissioners at any Time, on Complaint of either Party, to remove any Valuer or Umpire for Misconduct, or for Refusal or Omission to act.

In case of Death,  
&c. of Valuers,  
others to be  
appointed.

IV. Upon the Death, Incapacity, or Refusal to act, or Removal, from Time to Time, of any Valuer, another Valuer shall, by a Time to be fixed for such Purpose by the Commissioners, in the Manner and by the Means aforesaid, be appointed in his Stead; and in case such Death, Incapacity, or Refusal to act, or Removal, shall be of a Valuer who may have been chosen by the Lord and Tenant, then the Lord and the Tenant may in manner hereinbefore directed or authorized as regards them respectively substitute One other Person as Valuer, or the Lord may nominate One Valuer on his Behalf, and the Tenant another on his Behalf; and in any such Case where either Party shall neglect or refuse for Twenty-eight Days after being called on so to do to appoint his Valuer, the Commissioner shall appoint a Valuer for him as soon as may be after the Expiration of such Twenty-eight Days; and after every or any Substitution the new Valuer or Valuers for the Time being may adopt and act upon any Valuations and other Matters or Proceedings which shall have been completed or agreed upon by the Valuer or Valuers previously acting.

Commissioners,  
&c. may call for  
and enforce Pro-  
duction of Books  
and Documents.

V. The Commissioners, Assistant Commissioners, and Valuers may, by Summons under the Seal of the Commissioners, call for the Production for any of the Purposes of this Act, at such Time and Place as the Commissioners shall appoint, of any Court Rolls or Copies of Court Roll in the Possession or Power of any Lord or Tenant, or of the Steward of any Manor, and may by Summons under such Seal summon and examine any Lord or Tenant, or other Person on Oath, and administer the Oath necessary for that Purpose; and every Person who shall have been summoned, and to whom a reasonable Sum shall have been paid or tendered for his Expenses, and who shall without lawful Excuse neglect or refuse to attend or to produce any such Documents so called for as aforesaid, shall, being convicted thereof before any Two Justices of the Peace for the County wherein such Proceedings were held, forfeit the Sum of Five Pounds; and any Person who shall wilfully give false Evidence in any Proceeding under this Act shall be guilty of Perjury; provided always, that no Lord or Tenant so summoned shall be bound to answer any Questions as to his Title.

Power of Entry  
for Purposes  
of Act.

VI. It shall be lawful for the Commissioners, Assistant Commissioners, and Valuers, and their Agents or Servants respectively, upon giving reasonable Notice to the Occupier, to enter upon any of the Lands and Hereditaments proposed to be dealt with under the Provisions of this Act, and to make all necessary Admeasurements, Plans, and Valuations of the same, without being subject to any Action, Obstruction, or Hindrance, making Compensation for all Injury, if any occasioned thereby.

VII. The

VII. The Valuers shall determine the Value of the Manorial Rights and Incidents of Tenure from which the Lands proposed to be dealt with are to be enfranchised, and shall determine the Compensation to be received by the Lord for such Enfranchisement in manner herein-after mentioned; that is to say, where such Enfranchisement shall have been effected at the Instance of the Tenant, the Compensation shall be a gross Sum of Money to be paid at the Time of the Completion of the Enfranchisement, or in Cases where the Compensation exceeds Twenty Pounds, the same, if the said Commissioners shall so direct, and if all Persons (if any) who shall have any Mortgage, Charge, or Incumbrance affecting the Lands enfranchised, and which shall have been in existence at the Time of the passing of this Act, shall consent thereto, may remain as a First Charge, under the Provisions of this Act, on the Lands enfranchised, until the Expiration of such Time from the Day of such Completion as the said Commissioners shall appoint, but not exceeding in any Case Ten Years; and Interest at the Rate of Four Pounds *per Centum per Annum* shall be payable thereon, or on such Part thereof as shall from Time to Time remain unpaid, from the Time of such Completion as aforesaid half-yearly until full Payment thereof; and where such Enfranchisement shall have been effected at the Instance of the Lord, the Compensation shall be an annual Rentcharge to be issuing out of the Lands enfranchised: Provided always, that the Parties to any Enfranchisement under this Act may in any Case, with the Sanction of the Commissioners, agree that the Compensation shall be either a gross Sum of Money to be paid or charged as aforesaid, or a yearly Rent-charge, or a Conveyance of Land to be settled to the same Uses as the Manor of which the enfranchised Lands are holden is settled, as provided in the said recited Acts with respect to Enfranchisements effected by virtue thereof; and in every Case the Valuers shall frame an Award, showing the Amount, Nature, and Particulars of the Compensation, which shall be in full Satisfaction of all Manorial Rights whatsoever, save as herein-after mentioned.

Valuers how to proceed.

VIII. In case any Objection shall be made or Question shall arise upon or prior to any Admittance or in the course of such Valuations, in relation to any alleged Custom, or the Evidence thereof, or any Matter of Law or Fact material to such Valuation or arising on any Enfranchisement, the same shall, on the Request in Writing, and at the Option of any One of the Parties on either Side of the Matter in difference, be referred to the Commissioners or Assistant Commissioner, who shall inquire into and ascertain the same; and the Decision of such Commissioners or Assistant Commissioners shall be final: Provided nevertheless, that where any One of the said Party or Parties dissatisfied with any Decision of such Commissioners or Assistant Commissioner on any Matter of Law shall be desirous to appeal, then the like Proceedings may and shall be had for obtaining the Decision of One of the Superior Courts of Law at *Westminster* thereon, and such Decision shall be binding in like Manner as is provided by the said Act of the Session of the Fourth and Fifth Years of Her Majesty, Chapter Thirty-five, where a Person is dissatisfied with a Decision of such Commissioners or an Assistant Commissioner which involves a Point of

Questions of Law or Fact may be referred to the Commissioners.

Appeal to be had on Matter of Law on a Case stated.  
4 & 5 Vict. c. 35.  
s. 40.



Registrar General may be directed to furnish Information to Lieutenants of Counties for their Guidance in making Apportionments.

XXIV. The Registrar General shall from Time to Time, when directed by One of Her Majesty's Principal Secretaries of State, furnish to the Lieutenants of the said several Counties, Ridings, and Places, from the Returns which have been or may from Time to Time be made to him by Authority of Parliament, and from the other Documents in his Custody or Power, such Information or Estimates as such Secretary of State may direct of the Number of Men fit and liable to serve in the Subdivisions and Parishes of such several Counties, Ridings, and Places, for the Guidance of such Lieutenants and their Deputy Lieutenants in apportioning, as herein-before directed, the Number of Men required to be raised by Ballot; and it shall be lawful for such Lieutenants and Deputy Lieutenants, in making such Apportionments, to act upon the Information or Estimates so furnished.

Her Majesty may direct into what Regiments, &c. Militia shall be formed, and with what Officers and Staff.

XXV. It shall be lawful for Her Majesty, by Order signified by One of Her Principal Secretaries of State, from Time to Time to direct the Lord Lieutenants to form the Militia of their several Counties, Ridings, and Places into such Companies, Regiments, Battalions, or Corps as to Her Majesty may seem fit, and to direct what Number of Officers and of what respective Ranks shall be appointed thereto, and what shall constitute the Staff thereof; and where the Number of Militia Men required to be raised for any County, Riding, or Place appears to Her Majesty insufficient to be conveniently formed into a separate Regiment, Battalion, or Corps, to direct the Militia of such County, Riding, or Place to be united with the Militia of any County, Riding, or Place adjoining; but, save where Her Majesty otherwise directs, the Militia of the several Counties, Ridings, and Places shall be formed into such Companies, Regiments, Battalions, or Corps, with such Officers and Staff, as directed by the said first-recited Act and Section Three of the Act of the Tenth Year of King *George* the Fourth, Chapter Ten.

43 G. 3. c. 19. and 55 G. 3. c. 65. s. 5. repealed as to England.

XXVI. The Act of the Forty-third Year of King *George* the Third (Chapter Nineteen), "to authorize the training and exercising the Militia of *Great Britain* for Twenty-eight Days," as amended by Section Five of the Act of the Fifty-fifth Year of His said Majesty (Chapter Sixty-five), "to amend the Laws relating to the Militia of *Great Britain*," so far as the same relate to the Militia in *England*, shall be repealed, and the Period of Training and Exercise shall, save as herein-after provided, be Twenty-one Days in every Year; and Her Majesty may, if She see fit, direct all or any Part of the Militia of any County, Riding, or Place to be called out for Training and Exercise more than once in every or any Year, and at such Time or Times as Her Majesty may think fit, so as the whole Period of Training and Exercise of any Militia Man do not exceed Twenty-one Days in any Year, save as herein-after provided.

Her Majesty may call out Militia for Training more than once in a Year.

Her Majesty may, by Order in Council, cause Militia to be exercised out of their own Counties, or extend or reduce the Period of Exercise.

XXVII. Provided always, That it shall be lawful for Her Majesty from Time to Time, where, with the Advice of Her Privy Council, She may see fit, to order all or any Part of the Militia to be marched out of their own respective Counties, Ridings, or Places into any Part of *England* or *Wales*, for the Purpose of Training and Exercise, and also where, with such Advice as aforesaid, Her Majesty may see fit so to do, to extend or reduce the Period of Training

Training and Exercise of all or any Part of the Militia, so as the whole Period of Training and Exercise in any Year shall not exceed Fifty-six Days nor be less than Three Days.

XXVIII. It shall be lawful for the Lieutenants of the several Counties, Ridings, and Places, with the Approbation of One of Her Majesty's Principal Secretaries of State, to take on Lease or Hire, for or during such Terms or Periods as they may think necessary, Pieces of Ground convenient for the Training and Exercise of the Militia of such Counties, Ridings, and Places. Lieutenants to provide Places for Exercise.

XXIX. It shall be lawful for Her Majesty, if She think fit, to order and direct that any Militia Men who shall be attached to the Service of the Artillery, and shall do Duty as Artillery Men, shall receive increased Pay, not exceeding such and the like Pay, during the Time of their serving and doing Duty as Artillery Men as aforesaid, as any of the Men serving in the Royal Corps of Artillery are or may be entitled to, and it shall also be lawful for Her Majesty to direct the same to be paid for such Periods, and under and subject to such Regulations and Restrictions, as Her Majesty may from Time to Time deem proper and necessary. Her Majesty may order increased Pay to Militia Men attached to the Artillery.

XXX. It shall be lawful for Her Majesty, in case of actual Invasion, or imminent Danger thereof, the Reason being first communicated to Parliament, if Parliament be then sitting, or declared in Council, and notified by Proclamation, if Parliament be not sitting or in being, to order and direct, by Her Royal Proclamation, that, in addition to the Number of Men for the Time being required to be raised under the Provisions hereinbefore contained, there shall be forthwith raised and enrolled such Number of Men as to Her Majesty may seem fit, so as the whole Number of Men for the Time being raised under this Act shall not exceed One hundred and twenty thousand; and the Lieutenants and Deputy Lieutenants of the several Counties, Ridings, and Places shall forthwith proceed to raise and enrol such additional Men at such Time or Times as shall be specified for that Purpose in such Proclamation; and all the Provisions herein contained, so far as the same are applicable, shall extend and be applicable to and for the raising, enrolling, training, and exercising, and the drawing out and embodying, of the additional Men so ordered and directed to be raised and enrolled, and to the additional Men so raised: Provided always, that it shall be lawful for Her Majesty, whenever She may deem it expedient so to do, to reduce the whole or any Part of such additional Number of Men, and by Royal Proclamation to declare such Reduction accordingly. In case of Invasion, or imminent Danger thereof, Her Majesty may raise the Militia to 120,000 Men.

XXXI. Whenever Her Majesty shall cause such additional Number of Men to be raised and enrolled, or drawn out and embodied as aforesaid, if Parliament be then separated by such Adjournment or Prorogation as will not expire within Fourteen Days, Her Majesty may and shall issue a Proclamation for the meeting of Parliament within Fourteen Days, and Parliament shall accordingly meet and sit upon such Day as shall be appointed by such Proclamation, and continue to sit and act, in like Manner, to all Intents and Purposes, as if it had stood adjourned or prorogued to the same Day. When additional Number of Men is raised, Parliament to meet within 14 Days.

The Provisions of 42 G. 3. c. 90. as amended to extend to this Act.

XXXII. All the Provisions of the said first-recited Act, and of any Acts amending the same, not hereby repealed, shall, subject to the Provisions of this Act, and so far as the same are not inconsistent herewith, extend and be applicable to the Militia to be raised under this Act, and to all the Purposes thereof: Provided always, that no Ballot nor any Meeting or other Proceedings for or in relation to a Ballot shall be had under the said first-recited Act, and the Acts amending the same, save when Her Majesty shall order Men to be raised by Ballot as herein-before provided; and the Militia to be raised under this Act shall be in substitution for, and not in addition to, the Militia directed to be raised by the said first-recited Act.

Quakers not to be committed to Gaol if no Distress can be levied.

XXXIII. That so much of the said first-recited Act as empowers the Deputy Lieutenants to commit a Quaker to the Common Gaol if no Goods or Chattels belonging to such Quaker can be found sufficient to levy a Distress to defray the Expense of providing and hiring a Substitute for such Quaker, be and the same is hereby repealed.

Militia may be billeted in the Beer Houses in which Soldiers may be billeted.  
11 G. 4. & 1 W. 4. c. 64.

XXXIV. The Provisions of any Act or Acts applicable for or to the quartering and billeting of the Militia shall extend and be applicable for and to the quartering and billeting of the Militia in the Houses and Premises of all Persons licensed to sell Beer or Cider by Retail under the Act of the First Year of King *William* the Fourth, "to permit the general Sale of Beer and Cider by "Retail in *England*," and the Acts amending the same, to whom, under such Acts or any of them, the Provisions in respect of billeting Soldiers in Victualling Houses contained in any Act for punishing Mutiny and Desertion, and the better Payment of the Army and their Quarters, are declared or made to extend.

Militia of the Tower Hamlets.  
37 G. 3. c. 25.

XXXV. ' And whereas under an Act of the Thirty-seventh Year of King *George* the Third, "for the better raising and "ordering the Militia of the *Tower Hamlets* in the County of "*Middlesex*," Her Majesty's Constable of the *Tower* and Lieutenant of the *Tower Hamlets* is empowered and required to call together, arm, array, and cause to be trained and exercised, the Militia in and for the Liberty or District of the *Tower* Division in the County of *Middlesex* commonly known by the Name of the *Tower Hamlets*; and by the said Act of the Forty-second Year of King *George* the Third the Provisions thereof were made applicable to such Militia, so far as the same were not contrary to the Provisions of the said Act of the Thirty-seventh Year of King *George* the Third: And whereas the Number of Men to be raised for the Militia of the *Tower Hamlets* was in addition to the Number of Men required to be raised for the Militia under the said Act of the Forty-second Year of King *George* the Third; and it is expedient that the Number of Men to be raised for the Militia of the *Tower Hamlets* should be and form Part of the Eighty thousand Men herein-before required to be raised, and of any additional Number of Men which, under the Power herein-before contained, may be required to be raised, and that the Provisions herein-before contained for the raising of such Men, and otherwise in relation to the Militia, should extend to the Militia of the *Tower Hamlets*:'

In apportioning the said Eighty thousand Men, and any such additional Number of Men as aforesaid, among the several Counties, Ridings, and Places, under the Provisions herein-before contained, a Part of such Number and additional Number of Men shall be apportioned to be raised as and for the Militia of the *Tower Hamlets*; and all the Provisions of this Act for the raising and Enrolment of Men by voluntary Enlistment, and for and in relation to the Payments to be made to such Volunteers, and otherwise in relation to the Militia, shall extend and be applicable to and for the raising and Enrolment of Men for the Militia of the *Tower Hamlets* by and under the Authority of the said Constable and Lieutenant and his Deputy Lieutenants, and to such Militia, in like Manner as the same are applicable to and for the raising and Enrolment of the Militia of any County by and under the Authority of the Lieutenant and Deputy Lieutenants of such County, and to the Militia of such County.

XXXVI. Notwithstanding anything herein contained, the Militia of the City of *London* shall continue to be raised and regulated under the Provisions of an Act of the First Year of King *George* the Fourth, "for amending and reducing into One "Act of Parliament Two several Acts passed in the Thirty-sixth "and Thirty-ninth Years of the Reign of His late Majesty "King *George* the Third, for the better ordering and further "regulating of the Militia of the City of *London*;" and nothing herein contained shall be taken to repeal or alter the Provisions of such Act, but the Number of Militia Men required to be raised thereunder shall be and form Part of the Eighty thousand Men herein-before required to be raised, and the Provisions of the Act for or in relation to the Payment to be made to Volunteers shall extend and be applicable to such Volunteers as shall be raised for the said City of *London*.

Saving of the  
Militia of the  
City of London.

XXXVII. Notwithstanding anything herein contained, the Provisions contained in an Act of the Forty-fourth Year of King *George* the Third, Chapter Fifty-four, intituled *An Act to consolidate and amend the Provisions of several Acts relating to Corps of Yeomanry and Volunteers of Great Britain, and to make Regulations relating thereto*, shall continue in force, so far as the same applies to the Enrolment of Corps of Yeomanry and Volunteers, and the Exemptions to which such Corps are entitled by virtue of the last-mentioned Act.

As to Yeomanry  
and Volunteer  
Corps.

XXXVIII. 'And whereas under the Act of the Forty-second Year of King *George* the Third, Chapter Seventy-two, Provision 'is made for raising a Body of Miners in the Counties of *Cornwall* 'and *Devon* in the Nature of a Militia Force, and such Act was 'amended by an Act of the Fifty-first Year of King *George* the 'Third, Chapter One hundred and fourteen:'

Miners of Corn-  
wall and Devon.

42 G. 3. c. 72.

51 G. 3. c. 114.

In apportioning the said Eighty thousand Men, and any such additional Number of Men as aforesaid, among the several Counties, Ridings, and Places under the Provisions herein-before contained, a Part of such Number and additional Number of Men shall be apportioned to be raised as and for the Regiment of Miners in the Counties of *Cornwall* and *Devon*, and all the Provisions of this Act for the raising and Enrolment of Men by voluntary Enlistment, and for and in relation to the Payments to be made to Volunteers,

- Volunteers, shall extend and be applicable to and for the raising and Enrolment of Miners in the Counties of *Cornwall* and *Devon* by and under the Authority of the Warden of the Stannaries of the Counties of *Cornwall* and *Devon*, and his Special Deputy Wardens, and to the said Regiment of Miners in like Manner as the same are applicable to and for the raising and Enrolment of the Militia of any County by and under the Authority of the Lieutenant and Deputy Lieutenants of such County, and to the Militia thereof, but so that in the event of Men being required under the Provisions of this Act to be raised by Ballot for the said Regiment the Provisions of the said Act of the Forty-second Year of King *George* the Third, Chapter Seventy-two, and of any Act amending the same, shall (subject to the Provisions of this Act) be applicable and put in force for the Purpose of raising such Men; and the Oath to be taken by Volunteers raised under this Act for such Regiment of Miners shall be the Oath appointed by the Act of the Fifty-first Year of King *George* the Third, Chapter One hundred and fourteen, to be taken by Men raised by Ballot for the said Regiment (inserting in such Oath the Name of the Sovereign for the Time being); and no Man shall be liable to be balloted for the said Regiment after Thirty-five Years of Age.
- 42 G. 3. c. 72.
- 51 G. 3. c. 114.

## C A P. LI.

An Act to extend the Provisions of the Acts for the Commutation of Manorial Rights, and for the gradual Enfranchisement of Lands of Copyhold and Customary Tenure.

[30th June 1852.]

- ‘WHEREAS an Act was passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for the Commutation of certain Manorial Rights in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such Rights, and for facilitating the Enfranchisement of such Lands, and for the Improvement of such Tenure*: And whereas the said Act was amended and explained by an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of Her present Majesty, and by an Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty: And whereas it is expedient to extend the Provisions of the said Acts in manner herein-after provided:’ May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:
- 4 & 5 Vict. c. 35.
- 6 & 7 Vict. c. 23.
- 7 & 8 Vict. c. 55.

For effecting  
Enfranchise-  
ment after next  
Admittance.

I. At any Time after the next Admittance to any Lands which shall take place on or after the First Day of *July* One thousand eight hundred and fifty-three, in consequence of any Surrender, Bargain and Sale, or Assurance thereof (except upon or under a Mortgage in Cases where the Mortgagee is not in possession,) or in consequence of any Descent, Gift, or Devise, and whether such Surrender, Bargain and Sale, or Assurance shall have been made,

made, passed, or executed, or such Descent shall happen, or such Gift or Devise shall take effect before or after that Day, it shall be lawful for the Tenant so admitted or for the Lord to require and compel Enfranchisement in manner herein-after mentioned of the Lands to which there shall have been such Admittance as aforesaid; provided that no such Tenant shall be entitled to require such Enfranchisement until after Payment or Tender of the Fine or Fines and of the Fees consequent on such Admittance: Provided also, that if from any Cause such Enfranchisement shall not take place until some Event shall have happened which may require a second or any subsequent Admittance, such second or subsequent Admittance shall be made, with all the Rights incident thereto, as if this Act had not passed, and it shall be competent for the Lord or Tenant to require and compel Enfranchisement upon or after such second or subsequent Admittance in the Manner hereby provided for Enfranchisement upon the next Admittance.

II. In every Case where under the Powers of this Act any Lord or Tenant shall become entitled to require, and shall require the Enfranchisement of any Copyhold Lands, he shall give Notice in Writing, the Lord to the Tenant, or the Tenant to the Lord, as the Case may be, of his Desire that such Lands should be enfranchised, and the Consideration to be paid to the Lord for such Enfranchisement shall, unless the Parties agree about the same, be ascertained under the Direction of the Copyhold Commissioners, upon Application to them in Writing in the Manner following, *viz.* by Two Valuers, One to be appointed by the Lord, and the other by the Tenant; and such Two Valuers before they proceed shall appoint an Umpire to whom any Points in dispute between them shall be referred; and in case the Valuers or Umpire, as the Case may be, shall not make their or his Decision, and deliver the Particulars thereof in Writing to the Lord and Tenant, or the Solicitor or Agent of such Lord and Tenant, within Forty-two Days after the Appointment of such Valuers, or after the Matter shall have been referred to such Umpire, as the Case may be, then the Commissioners shall act as Umpire in fixing the Consideration to be paid or rendered to the Lord; and in any Case where either Party shall neglect or refuse for Twenty-eight Days after being called on so to do to appoint his Valuer, the Commissioners shall appoint a Valuer for him as soon as may be after the Expiration of such Twenty-eight Days; and in any Case where any Valuers appointed under this Act, either originally or in the Place of any other Valuer, shall for the Space of One Week after their Appointment be unable to agree in the Appointment of such Umpire, the Commissioners shall appoint such Umpire; and such Umpire shall give in his Award in manner and within the Time aforesaid, and if he shall neglect or refuse or on any account fail so to do, the Commissioners shall act as such Umpire as aforesaid: Provided always, that it shall be lawful for the Lord and Tenant to appoint One and the same Person as Valuer, and in such Case the Valuations, Acts, and Award of such single Valuer shall have the same Effect as the Valuations, Acts, and Award of the Valuers or Umpire under the Provision herein contained: Provided also, that it shall be lawful for the said Commissioners, on Application to them in Writing by such Lord or Tenant, or such

Mode of  
effecting En-  
franchisements.

such Umpire as aforesaid, if the said Commissioners shall see fit, to extend the Time within which a Valuer may be appointed, or any Decision or Award under this Act may be given.

Revoking Ap-  
pointment of  
Valuer; Com-  
missioners may  
remove for Mis-  
conduct, &c.

III. The Appointment of a Valuer by the Lord or by the Tenant shall not be afterwards revoked, except by the mutual Consent of the Lord and Tenant; provided always, that it shall be lawful for the Commissioners at any Time, on Complaint of either Party, to remove any Valuer or Umpire for Misconduct, or for Refusal or Omission to act.

In case of Death,  
&c. of Valuers,  
others to be  
appointed.

IV. Upon the Death, Incapacity, or Refusal to act, or Removal, from Time to Time, of any Valuer, another Valuer shall, by a Time to be fixed for such Purpose by the Commissioners, in the Manner and by the Means aforesaid, be appointed in his Stead; and in case such Death, Incapacity, or Refusal to act, or Removal, shall be of a Valuer who may have been chosen by the Lord and Tenant, then the Lord and the Tenant may in manner hereinbefore directed or authorized as regards them respectively substitute One other Person as Valuer, or the Lord may nominate One Valuer on his Behalf, and the Tenant another on his Behalf; and in any such Case where either Party shall neglect or refuse for Twenty-eight Days after being called on so to do to appoint his Valuer, the Commissioner shall appoint a Valuer for him as soon as may be after the Expiration of such Twenty-eight Days; and after every or any Substitution the new Valuer or Valuers for the Time being may adopt and act upon any Valuations and other Matters or Proceedings which shall have been completed or agreed upon by the Valuer or Valuers previously acting.

Commissioners,  
&c. may call for  
and enforce Pro-  
duction of Books  
and Documents.

V. The Commissioners, Assistant Commissioners, and Valuers may, by Summons under the Seal of the Commissioners, call for the Production for any of the Purposes of this Act, at such Time and Place as the Commissioners shall appoint, of any Court Rolls or Copies of Court Roll in the Possession or Power of any Lord or Tenant, or of the Steward of any Manor, and may by Summons under such Seal summon and examine any Lord or Tenant, or other Person on Oath, and administer the Oath necessary for that Purpose; and every Person who shall have been summoned, and to whom a reasonable Sum shall have been paid or tendered for his Expenses, and who shall without lawful Excuse neglect or refuse to attend or to produce any such Documents so called for as aforesaid, shall, being convicted thereof before any Two Justices of the Peace for the County wherein such Proceedings were held, forfeit the Sum of Five Pounds; and any Person who shall wilfully give false Evidence in any Proceeding under this Act shall be guilty of Perjury; provided always, that no Lord or Tenant so summoned shall be bound to answer any Questions as to his Title.

Power of Entry  
for Purposes  
of Act.

VI. It shall be lawful for the Commissioners, Assistant Commissioners, and Valuers, and their Agents or Servants respectively, upon giving reasonable Notice to the Occupier, to enter upon any of the Lands and Hereditaments proposed to be dealt with under the Provisions of this Act, and to make all necessary Admeasurements, Plans, and Valuations of the same, without being subject to any Action, Obstruction, or Hindrance, making Compensation for all Injury, if any occasioned thereby.

VII. The

VII. The Valuers shall determine the Value of the Manorial Rights and Incidents of Tenure from which the Lands proposed to be dealt with are to be enfranchised, and shall determine the Compensation to be received by the Lord for such Enfranchisement in manner herein-after mentioned; that is to say, where such Enfranchisement shall have been effected at the Instance of the Tenant, the Compensation shall be a gross Sum of Money to be paid at the Time of the Completion of the Enfranchisement, or in Cases where the Compensation exceeds Twenty Pounds, the same, if the said Commissioners shall so direct, and if all Persons (if any) who shall have any Mortgage, Charge, or Incumbrance affecting the Lands enfranchised, and which shall have been in existence at the Time of the passing of this Act, shall consent thereto, may remain as a First Charge, under the Provisions of this Act, on the Lands enfranchised, until the Expiration of such Time from the Day of such Completion as the said Commissioners shall appoint, but not exceeding in any Case Ten Years; and Interest at the Rate of Four Pounds *per Centum per Annum* shall be payable thereon, or on such Part thereof as shall from Time to Time remain unpaid, from the Time of such Completion as aforesaid half-yearly until full Payment thereof; and where such Enfranchisement shall have been effected at the Instance of the Lord, the Compensation shall be an annual Rentcharge to be issuing out of the Lands enfranchised: Provided always, that the Parties to any Enfranchisement under this Act may in any Case, with the Sanction of the Commissioners, agree that the Compensation shall be either a gross Sum of Money to be paid or charged as aforesaid, or a yearly Rent-charge, or a Conveyance of Land to be settled to the same Uses as the Manor of which the enfranchised Lands are holden is settled, as provided in the said recited Acts with respect to Enfranchisements effected by virtue thereof; and in every Case the Valuers shall frame an Award, showing the Amount, Nature, and Particulars of the Compensation, which shall be in full Satisfaction of all Manorial Rights whatsoever, save as herein-after mentioned.

Valuers how to proceed.

VIII. In case any Objection shall be made or Question shall arise upon or prior to any Admittance or in the course of such Valuations, in relation to any alleged Custom, or the Evidence thereof, or any Matter of Law or Fact material to such Valuation or arising on any Enfranchisement, the same shall, on the Request in Writing, and at the Option of any One of the Parties on either Side of the Matter in difference, be referred to the Commissioners or Assistant Commissioner, who shall inquire into and ascertain the same; and the Decision of such Commissioners or Assistant Commissioners shall be final: Provided nevertheless, that where any One of the said Party or Parties dissatisfied with any Decision of such Commissioners or Assistant Commissioner on any Matter of Law shall be desirous to appeal, then the like Proceedings may and shall be had for obtaining the Decision of One of the Superior Courts of Law at *Westminster* thereon, and such Decision shall be binding in like Manner as is provided by the said Act of the Session of the Fourth and Fifth Years of Her Majesty, Chapter Thirty-five, where a Person is dissatisfied with a Decision of such Commissioners or an Assistant Commissioner which involves a Point of

Questions of Law or Fact may be referred to the Commissioners.

Appeal to be had on Matter of Law on a Case stated.  
4 & 5 Vict. c. 35.  
s. 40.



of Law only, and the Parties in difference are agreed upon the Facts relating thereto: Provided always, that no such Proceedings as aforesaid shall be had unless a Request to the Commissioners to direct a Case to be stated as in the said Act mentioned be made within Twenty-eight Days after the Decision in respect of which the Appeal is desired.

Award to be confirmed by the Commissioners.

IX. After all such Objections (if made) shall have been heard and determined, then the Commissioners shall, if they shall see fit, and after such Investigation by themselves or by an Assistant Commissioner as may seem to them necessary, confirm such Award under their Hands and Seal as aforesaid, and such Award so confirmed shall be forthwith registered at the Office of the Commissioners, and a Copy thereof shall be entered on the Court Rolls of the Manor to which the same shall relate, but the same, whether so entered or not, shall, after Registration at the Office of the said Commissioners, be valid.

Charge under Act to be a First Charge.

X. Any Charge under this Act shall be a First Charge on such Lands, and shall have Priority over all Mortgages, Charges, and Incumbrances whatsoever affecting such Lands, (except Tithe Commutation Rentcharges, and any Charges or Rentcharges which may have been or shall be charged upon the same Lands for the Drainage thereof by virtue of any of the Statutes in that Behalf,) notwithstanding the actual Priority in point of Date or anterior Title of such Mortgages, Charges, and Incumbrances: Provided always, that, notwithstanding any such Charge, any Monies already invested or any Monies previously secured or charged thereon may be continued on the Security of the same, notwithstanding the Imposition of the said Charge under this Act: Provided also, that no such Charge shall have Priority over any Mortgage, Charge, or Incumbrance which at the Time of the passing of this Act may affect the Lands enfranchised, without the Consent of the Persons entitled to such Mortgage, Charge, or Incumbrance.

Enfranchisements to be according to Form in Schedule.

XI. Any Enfranchisement of Lands under this Act or the said recited Acts shall be by Deed according to the Form in the First Schedule to this Act annexed, or as near thereto as the Circumstances of the Case will admit, or by Deed in any other Form which the Parties, with the Consent of the Commissioners, may think fit, and which Deed the Lord shall be bound to execute within Twenty-eight Days after the same shall be approved by the Commissioners on the same being tendered to him for that Purpose; and all Enfranchisements so made shall take effect from the Time of the Execution of such Deed by the Lord, but not before, and shall be effectual to vest the Land thereby conveyed in the Tenant or other Person to whom the Lands shall be conveyed, free from any Estates, Rights, Titles to Dower and Free Bench, Interests, Incumbrances, Claims, or Demands affecting the Manor of which the same Lands are holden: Provided always, that in the meantime and until such Enfranchisement shall so take effect all the Rights, Remedies, Powers, Privileges, and Conditions of and affecting the Lord and Tenant respectively in regard to such Lands, with all the Incidents of Tenure, shall remain and continue unaffected.

Form of Charge.

XII. Every Charge under this Act shall be made by a Certificate under the Hands and Seal of the Commissioners, to be called

called a Certificate of Charge; and such Certificate shall specify the whole Amount of Principal Money to be charged on the Lands, enfranchised under the Powers of this Act, subject to which the Land is enfranchised, and may specify any Place, to be agreed upon between the Parties, as the Place of Payment of the Principal Money and Interest charged by such Certificate; and, if the Parties so agree, or the said Commissioners shall so direct as aforesaid, such Certificate may provide that such Principal Money, or any Part or Parts thereof, shall continue upon the Security of such Certificate for any Term or Terms of Years, Period or Periods, in such Certificate mentioned, not exceeding Ten Years, and the Lands charged thereby may be described by Reference to the Enfranchisement thereof under the said Acts, or otherwise, as the Commissioners may think fit; and such Certificate may be in the Form set forth in the Schedule to this Act, or in such other Form as the Parties, with the Consent of the Commissioners, may think proper, and shall be entered on the Court Rolls of the Manor.

XIII. Such Certificate, and the Charge thereby made, shall be transferable by Endorsement of such Certificate, and such Endorsement may be in the Form set forth in the Schedule to this Act, or to the like Effect.

Certificates to be transferable by Endorsement.

XIV. Every Certificate of Charge and Transfer thereof issued or made under this Act shall be chargeable with the like Stamp Duties as are chargeable in respect of other Mortgages and Transfers thereof.

Stamp on Certificates.

XV. It shall be lawful for the said Commissioners to correct and supply any manifest Error or Omission in any Award, or in any Deed of Enfranchisement or Charge under this Act, or any other Instrument authorized by this Act to be made or issued by the said Commissioners, after such Notice to the Parties interested as the said Commissioners shall deem sufficient; provided that no such Error or Omission shall be corrected or supplied more than Five Years after the Execution of any such Award, Deed, or Instrument.

Commissioners may correct any Error in Award, &c. after Notice to Parties interested.

XVI. In making any Valuation under this Act the Valuers shall take into account the Facilities for Improvement, Customs of the Manor, Fines, Heriots, Reliefs, Quit-rents, Chief-rents, Escheats, Forfeitures, and all other Incidents whatever of Copyhold or Customary Tenure, and all other Circumstances affecting or relating to the Land which shall be included in such Enfranchisement, and all Advantages to arise therefrom, and shall make due Allowance for the same.

Valuer to take particular Circumstances of the Cases into consideration.

XVII. In case such Enfranchisement Consideration, or the Interest thereon, shall not be paid at the Time stipulated or provided for Payment thereof respectively, the Lord or other Person for the Time being entitled to the Benefit thereof shall become entitled to the Rents and Profits of the Land in respect of which the same Enfranchisement Consideration or Interest shall be due; and it shall be lawful for such Lord or other Person to proceed to obtain Possession of the said Land, or the Rents and Profits thereof, in like Manner as if the Land had remained unenfranchised, and been lawfully seised into the Hands of the Lord for some Default of a Tenant; and all the Rights and Remedies by the said recited Acts or any of them given for the Recovery of Rentcharges,

If Consideration not paid, the Lord may take possession.

Sums of Money, and other Payments, shall be applicable to the Sums of Money, Interest, and Payments payable under this Act, in the same Manner as if such Consideration had been a Consideration for an Enfranchisement under the said Acts.

Land so obtained by Lord may be let for not exceeding Seven Years.

**XVIII.** Where any Lord or other Person for the Time being entitled to the Benefit of any Enfranchisement Consideration, or the Interest thereon, shall have obtained Possession of the Land under the Powers and Provisions of the said recited Acts or this Act, it shall be lawful for the said Lord or other Person as aforesaid to let such Land, or any Portion thereof, for any Period not exceeding Seven Years, in possession, at such Rent as can be reasonably obtained for the same; and the Restitution of such Land on Payment or Satisfaction of the Money due, and of all Costs and Expenses, shall be subject and without Prejudice to any such Lease.

Steward's Compensation to include Preparation of Deed of Enfranchisement.

**XIX.** The Steward for the Time being of any Manor of which any Lands enfranchised under this Act shall be Parcel shall, on every such Enfranchisement, be entitled to receive from the Tenant, as a Compensation for the Trouble of such Steward about such Enfranchisement, and for the Extinguishment of his Office with respect to such Lands, such a Sum as the said Commissioners may direct, and, in the Absence of such Direction on this Subject, such a Sum as will amount to One Set of Fees on Surrender and Admittance for each of the Tenements included in such Enfranchisement, such Fees to be calculated according to the reasonable Custom or Usage prevalent in the Manor whereof such Lands shall be Parcel, and in case the Parties shall differ about the same the Amount shall be ascertained by the Commissioners; and the Steward, in consideration of such Compensation, shall prepare and deliver to the Tenant a proper Deed of Enfranchisement, duly executed by the Lord, without making any Charge for the same or for completing the Enfranchisement, save Stamp Duty and Parchment: Provided always, that if more than One Set of Fees is demanded by the Steward, it shall be lawful for the said Commissioners to moderate and tax the Amount of such Fees to such Sum as shall appear to them just and reasonable.

Inspection, &c. of Court Rolls of the Manor.

**XX.** At any Time after any Enfranchisement effected under the said recited Acts or this Act, it shall be lawful for any Persons seized of or interested in the Lands which have been so enfranchised to have Access to and to inspect the Court Rolls of the Manor of which the said Lands were holden, and to demand and have Copies thereof, on Payment of a reasonable Sum for the same; and the said Commissioners, if they shall think it necessary or expedient, may fix a Scale of Fees to be payable to the Steward or other Person having Custody of the Court Rolls for such Inspection of the Court Rolls, and for making all necessary Extracts or Copies thereof.

After Enfranchisement, the Court Rolls may be given up. Inspection, &c. thereof.

**XXI.** When and as soon as all the Lands held of any Manor shall be enfranchised, the Lord or other Person having Custody of the Court Rolls of such Manor may, if he thinks fit, give up and hand over to the said Commissioners all such Court Rolls; and from thenceforth all Persons seized of or interested in such Lands shall have Access to and may inspect such Court Rolls, and obtain

obtain Copies thereof, on the Payment of such reasonable Fees as to the said Commissioners may seem fit and proper.

XXII. Previous to any Enfranchisement under this Act, it shall be lawful for the Lord and Steward if they shall see fit, and if there shall be no Steward then for the Lord alone, to make a solemn Declaration, in such Form as the said Commissioners shall direct, and to be taken and subscribed as solemn Declarations are by an Act made and passed in a Session held in the Fifth and Sixth Years of His late Majesty King *William* the Fourth, Chapter Sixty-two, directed to be taken and subscribed, stating therein the Nature and Extent of the Estate and Interest of the Lord in the Manor of which he is such Lord, and the Date and short Particulars of the Deed, Will, or other Instrument under which he claims or derives Title, and the Name and Style or other Designation or Description of the Person in whose Name the Court of any such Manor was then last holden, and the Date or Time of the Holding of such Court, and the Incumbrances, if any, whether by Mortgage, Judgment, or otherwise, which affect such Manor; and it shall be lawful for the said Commissioners and they are hereby directed to approve of such Title for the Purposes of this Act, which Approval shall be testified under their Hands and Seal, upon such Evidence alone, unless they shall be of opinion that further Information is necessary in the respects aforesaid; but if the said Commissioners shall consider that such Evidence does not fully and truly disclose all such Particulars as are necessary, or if no such Declaration shall be made, or if the Lord shall refuse or decline or fail to give such Information and Evidence as they shall deem proper and necessary to show a satisfactory *prima facie* Title in the Lord, or in Persons claiming under or in trust for him, and if the said Commissioners shall consider either that the Title of the Lord is not satisfactory, or that the Incumbrancers should be protected, then, if they think the Justice of the Case requires it, they may direct that the Enfranchisement Consideration shall be invested as herein-after directed in case of Lords under Disability.

Title of Lord to be made for the Purpose of Enfranchisement.

XXIII. In all Cases in which the Lord shall apply to the Commissioners to effect an Enfranchisement as aforesaid, it shall be lawful for the Tenant of the Lands so proposed to be enfranchised to require that the said Commissioners shall satisfy themselves, in such Way and by such Evidence as they shall see fit, of the Title of such Lord to the Manor of which the Lands are held.

After an Application for Enfranchisement, Commissioners may inquire into Lord's Title.

XXIV. In Cases where the Identity of any Lands described as to Quantity in the Court Books or Rolls of any Manor cannot be ascertained to the Satisfaction of the Valuers, such Lands shall be taken at the Quantities mentioned in the Court Books or Rolls of the Manor, and as to any Lands the Quantities of which are not specified in the Court Books or Rolls of any Manor, the same shall be taken at such Quantities as such Valuers may determine; and it shall be lawful for the Lord of any Manor, or for any Tenant of any Manor, at any Time hereafter, in case of any Doubt or Difference of Opinion as to the Identity of any Lands, to apply to the Commissioners to define the Boundaries thereof for the Purpose of any Enfranchisement under this Act or the said recited Acts; and the Expenses of Identification shall be borne

Identity of Lands.

borne by the Party making such Application, unless the Commissioners shall otherwise direct; and the Commissioners shall proceed, in such Manner as they shall see fit, to ascertain, identify, and define such Boundaries; and such Identification and Definition of Boundaries to be made by the Commissioners shall be final and conclusive on all Parties for the Purposes of any such Enfranchisement.

As to Purchase  
by the Lord in  
certain Cases.

XXV. With respect to any Land proposed by any Tenant to be enfranchised under this Act, in case the Lord shall show to the Satisfaction of the Commissioners that any Change in the Condition of such Land, which but for this Act would or might have been prevented by the Incidents or Conditions of the Tenure thereof, will prejudicially affect in Enjoyment or Value the Mansion House, Park, Gardens, or Pleasure Grounds of such Lord, and in case such Lord shall by Writing under his Hand offer to purchase the Tenant's Interest in such Land so proposed to be enfranchised, and shall give Notice to the Tenant of such Offer, then, unless the Tenant shall accept such Offer within Twenty-eight Days after receiving Notice thereof, such Land shall remain unenfranchised, unless the Commissioners shall think fit to impose such Terms and Conditions, in case of Enfranchisement, as shall in their Judgment be sufficient to protect the Interests of the Lord; and in case the Tenant shall within Twenty-eight Days as aforesaid signify in Writing to the Commissioners his Acceptance of the said Offer, such Offer by the Lord and Acceptance by the Tenant shall be binding both upon Lord and Tenant; and in case the Lord and Tenant shall not within such Time as the Commissioners shall limit agree on the Value of the Rights and Interest of the Tenant, it shall be lawful for the Commissioners to appoint a Valuer for the Purpose of ascertaining such Value, or to refer the same to the Valuers, if any, then acting in the Enfranchisement; and all the Costs, Charges, and Expenses of such Valuation and attending such Purchase shall be borne by the Lord; and when such Value shall have been agreed upon or ascertained as aforesaid the Commissioners shall issue a Certificate under their Hands and Seal, which shall state the Land which shall have been sold to the Lord, and the Consideration Money for the same, and shall declare that upon Payment of the Consideration Money therein mentioned within a Time to be therein limited such Land shall at the Time of such Payment be surrendered or released by the Tenant (at the Expense of the Lord) to the Lord, and thereupon such Land shall vest in such Lord accordingly: Provided always, that in case such Consideration Money shall not be paid within the Time limited by the Commissioners, or within such further Time as the Commissioners may have granted in that Behalf, and it shall appear to the Commissioners that the same shall have remained unpaid by the Default of the Lord, it shall be lawful for the Commissioners to cancel such Certificate, and such Enfranchisement may be proceeded with as if such Offer and Acceptance as aforesaid had not been made, and all Costs which the Commissioners shall certify to have been incurred by the Tenant in consequence of such Offer, Acceptance, and Default shall be paid by the Lord to the Tenant.

XXVL Provided also, That where the Lord of a Manor by whom any Purchase is hereby authorized to be made shall not be seised in Fee Simple or Fee Tail of and in or otherwise entitled to an absolute Power of Disposition over the Manor, it shall be lawful for such Lord, with the Consent of the Commissioners, to raise the Consideration for such Purchase, and the Expenses of the same, by a Charge of or upon the same Manor, or any Lands settled therewith to the same Uses, such Charge to be made in such Form, and upon such Terms, and at such Rate of Interest, as the Commissioners shall direct from Time to Time.

Power to Lord having a limited Interest to charge Purchase Money on Manor, &c.

XXVII. ' And whereas in many Manors Heriots are by Custom due and payable to the Lord by Tenants of Freehold or Customary Freehold Lands holden of such Manors: ' Be it therefore enacted, That at any Time after any such Heriot shall be due or payable with respect to any such Freehold Lands on or after the First Day of *July* One thousand eight hundred and fifty-three, it shall be lawful for the Lord or the Tenant to require and compel the Extinguishment of all such Claim to Heriots, and the Enfranchisement of the Lands subject thereto, in the same Way as if such Lands were Copyhold, and the same Proceedings shall thereupon be had as are herein mentioned with reference to the Enfranchisement of Copyhold Lands, or as near thereto as the Nature of the Case will admit.

After 1st July 1853, when a Heriot shall be due and payable, the Lord or Tenant may require or compel Enfranchisement.

XXVIII. Before any Valuer shall enter upon the Valuation under this Act he shall in the Presence of a Justice of the Peace make and subscribe the following Declaration; (that is to say,)

Declaration to be taken by Valuers.

' I *A.B.* do declare, That I will faithfully, to the best of my Ability, value, hear, and determine the Matters referred to me under the Copyhold Acts. *A.B.*

' Made and subscribed in the Presence of ' .

And such Declaration shall be annexed to the Schedule of Valuation, when made; and if any Valuer, having made such Declaration, shall wilfully act contrary thereto, he shall be guilty of a Misdemeanor.

XXIX. In case the Interest payable in respect of any gross Sum of Money, pursuant to any Award under this Act, or any Part of the same, shall be in arrear for Thirty Days after the same shall become due, it shall be lawful for the Person for the Time being entitled to receive such Interest to levy the same by the same Means and Remedies and in the same Manner in all respects as if the same had been Rent in arrear upon a Lease for Years.

As to Recovery of Interest in Enfranchisement Considerations.

XXX. The Expenses of the Proceedings for effecting any Enfranchisement under this Act, and all Expenses which in the Judgment of the said Commissioners may be incidental thereto, whether for the Proof of Title, the Production of Documents, Expenses of Witnesses, or otherwise, shall be borne by the Party, whether Lord or Tenant, who shall have required the Enfranchisement, but no Costs or Expenses shall be due or recoverable from any Person until the same shall have been certified, under the Hands and Seal of the said Commissioners, or of an Assistant Commissioner, to have been reasonably and properly incurred; and in case any Dispute or Difference shall arise as to the Amount

As to Expense of Proceedings under this Act.

of such Expenses, the Certificate of the Commissioners or Assistant Commissioner shall be final, and any Person to whom such Certificate shall be granted shall have the same Means and Remedies for the Recovery of the Sum mentioned therein as are provided by the said recited Acts or by this Act for the Recovery of the Consideration for an Enfranchisement under this Act.

How Expenses  
of Enfranchise-  
ment to be borne  
where the Lord  
has but a limited  
Interest in a  
Manor, or is  
Trustee thereof.

XXXI. In every Case in which the Lord shall require and compel an Enfranchisement under this Act, where such Lord shall be an Ecclesiastical Corporation or a Corporation sole not having an absolute Power of Sale, or shall have only a limited Interest in the Manor or be a Trustee thereof, the Expenses of the Proceedings for effecting such Enfranchisement, and all Expenses which in the Judgment of the said Commissioners may be incidental thereto, whether for the Proof of Title, the Production of Documents, Expenses of Witnesses, or otherwise, (the Amount of such Expenses being subject to the Approval and Certificate of the said Commissioners as herein-before is mentioned,) shall be paid out of the First Monies to be received for any Enfranchisement to be effected under this Act, when the Consideration for such Enfranchisement shall be a gross Sum of Money; and in Cases where such Consideration shall not be a gross Sum of Money, then the said Expenses shall be charged, together with Interest for the same, at the Rate of not exceeding Four Pounds *per Centum per Annum*, on the said Manor or other Lands settled or held therewith, in such Manner as to the said Commissioners may seem fit and proper.

How Tenants  
Expenses of En-  
franchisement  
are to be borne.

XXXII. In every Case in which the Tenant shall require and compel an Enfranchisement under this Act, where such Tenant shall have only a limited Interest in the Lands enfranchised, or be a Trustee thereof, he shall be entitled to charge the Expenses of the Proceedings for effecting such Enfranchisement, and all Expenses which in the Judgment of the said Commissioners may be incidental thereto, whether for the Proof of Title, the Production of Documents, Expenses of Witnesses, or otherwise, (the Amount of such Expenses being subject to the Approval of the said Commissioners as herein-before is mentioned,) on the Lands enfranchised, and such Expenses, and also the Consideration Money for such Enfranchisement, whenever such Consideration shall be a gross Sum of Money, may, by a simple Entry on the Court Rolls of the Manor, and for which Entry the Steward shall only charge such a Sum as the said Commissioners shall direct, be charged, together with Interest for the same at the Rate of not exceeding Four Pounds *per Centum per Annum*, on the Lands enfranchised, in such Manner as to the said Commissioners shall seem fit and proper: Provided always, that any gross Sum or Rentcharge constituting the Consideration for any such Enfranchisement shall have Priority over any Sum so charged for Expenses.

Confirmation of  
Award by Com-  
missioners to be  
Proof of prior  
Proceedings  
being regular.

XXXIII. The Confirmation under the Hands and Seal of the Commissioners of any Award, or the Execution by the Commissioners of any Deed or Instrument whereby any Enfranchisement shall be effected under the said Acts or this Act, shall be conclusive Evidence that all the Directions in relation to the Enfranchisement intended to be effected by means of such Award, Deed, or Instru-

Instrument, which ought respectively to have been obeyed or performed previously to such Confirmation or Execution respectively, have been obeyed and performed; and no such Award, Deed, or Instrument shall be impeached by reason of any Omission, Mistake, or Informality therein, or in any Proceeding relating thereunto, or on account of any Want of any Notices or Consents required by the said Acts or this Act, or on account of any Defects or Omissions in any previous Proceedings whatever in the Matter of such Enfranchisement.

XXXIV. From and after the final Confirmation of any Schedule of Apportionment under the said recited Acts, and from and after the final Enfranchisement of any Lands under this Act or the said recited Acts, the several Lands included in any such Enfranchisement shall thenceforth cease to be subject to the Customs of Borough *English* or Gavelkind, or to any other Customary Mode of Descent, or to any Custom relating to Dower or Freebench or Tenancy by the Curtesy of *England*, or to any other Custom whatever; and all the Laws relating to Descents or to Estates of Dower or Estates by the Curtesy of *England* which shall for the Time being affect and be applicable to Lands held in Free and Common Socage shall thenceforth affect and be applicable to the Lands included in every such Enfranchisement: Provided always, that nothing herein contained as to Curtesy or Dower or Freebench shall extend or be applicable to the Case of any Person who shall have been married before such Enfranchisement shall have been completed: Provided always, that nothing in this Act shall affect the Custom of Gavelkind as the same now exists and prevails in the County of *Kent*.

XXXV. Notwithstanding anything herein contained, it shall be lawful for the Commissioners from Time to Time to suspend any Proceedings under this Act for the Enfranchisement of any Land where any peculiar Circumstances render it impossible, in the Opinion of the said Commissioners, to decide on the prospective Value of the Lands to be affected by such proposed Enfranchisement, or where any especial Hardship or Injustice would unavoidably result from any compulsory Proceeding: Provided always, that when the said Commissioners shall so suspend any proposed Enfranchisement they shall state the Reasons of such Suspension in their General Report, which shall be laid before Parliament as directed by the first-recited Act.

XXXVI. In all Cases in which the Person for the Time being entitled to the Receipt of any Rentcharge under the said recited Acts or this Act shall be entitled thereto for a limited Estate or Interest only, or shall be a Corporation not authorized to make an absolute Sale of such Rentcharge otherwise than under the Provisions of this Act, it shall be lawful for such Person, with the Consent of the said Commissioners, testified under their Hands and Seal, or, in the Case of Coverture, Infancy, Idiocy, Lunacy, or other Incapacity, with the Consent of the Husband, Guardian, Committee, or Trustee of such Person so under Disability, to sell and transfer such Rentcharge, the Payment for which shall be made in manner herein-after mentioned.

XXXVII. In every Case in which a Rentcharge is payable under the Provisions of the recited Acts or this Act the Commis-

After Confirmation of Apportionment, &c. in Cases of Enfranchisement, the customary Modes of Descent to cease, and the Lands to descend, &c. as Freehold Lands.

Proviso.

Proviso as to Gavelkind.

Commissioners to have Power to suspend Proceedings.

Power to Lord to sell Rentcharge.

Commissioners to certify the Amount of



Consideration  
Money for Re-  
demption.

sioners shall, upon the Request of the Owners of Land chargeable with such Rentcharge, or any of them, certify under the Hands and Seal of the Commissioners the Sum of Money in consideration of which such Rentcharge may be redeemed; and when it shall appear to the Commissioners that Payment or Tender of such Consideration Money has been duly made, it shall be lawful for the Commissioners to certify that such Rentcharge has been redeemed under the Provisions of this Act, and such Certificate shall be final and conclusive: Provided always, that no such Redemption shall be effected in the Case of Rentcharges created before the passing of this Act, under the Provisions of the said recited Acts, except with the Consent in Writing of the Person or Persons entitled to the Receipt of such Rentcharge.

Consideration  
Money for Re-  
demption of  
Sale, how pay-  
able.

XXXVIII. Where the Person entitled to a Rentcharge redeemable under the Provisions of this Act shall be absolutely entitled thereto in Fee Simple in possession, or shall be enabled to dispose of the Fee Simple in possession independently of the Provisions of this Act, and shall not be a Spiritual Person entitled in respect of his Benefice or Cure, or a Corporation prevented from aliening such Rentcharge otherwise than under the Provisions of this Act, a Payment or Tender to the Person so entitled of the Sum of Money certified by the Commissioners as aforesaid after Six Months Notice to the Person entitled to such Rentcharge shall be deemed a due Payment of the Consideration Money, and in every other Case the Payment of the Sum of Money so certified according to the Provisions herein-after contained shall be deemed a due Payment of the Consideration Money.

Consideration  
Money in Cases  
of Owners under  
Disability, how  
payable.

XXXIX. In all Cases in which the Person for the Time being entitled to any Rentcharge subject to be redeemed or sold under the Provisions of this Act, or entitled to any gross Sum payable by way of Compensation for Enfranchisement, shall be only entitled thereto for a limited Estate or Interest therein, or as Trustee for Sale or otherwise, without Power to give an effectual Discharge for the same, or shall be under any Disability, or shall be a Corporation not authorized to make an absolute Sale of such Rentcharge otherwise than under the Provisions of this Act, the Consideration Money to be paid for the Redemption or Sale of such Rentcharge, or as Compensation for such Enfranchisement, shall be applied in manner hereafter provided, (that is to say,) shall, at the Option of the Person for the Time being entitled as aforesaid, be paid into the Bank of *England* in the Name and with the Privy of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* the Copyhold Commissioners, pursuant to the Method prescribed by any Act for the Time being in force for regulating Monies paid into the said Court; and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes, (that is to say,) in the Purchase or Redemption of the Land Tax, or the Discharge of any Rent or Incumbrance affecting the Rentcharge in respect of which such Money shall have been paid, or the Manorial Incidents for which the same shall have been substituted, or affecting other Hereditaments settled therewith to the same or the like Uses, Trusts, or Purposes, or in the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses,

Uses, Trusts, Purposes, and in the same Manner, as the Rentcharge for the Redemption of which such Money shall have been paid stood settled, or in Payment to any Party becoming absolutely entitled to such Money; and such Money may be so applied as aforesaid upon an Order of the Court of Chancery made on the Petition of the Party who would have been entitled to the Receipt of the Rentcharge in respect of which such Money shall have been deposited; and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or in Government or Real Securities, and the Dividends, Interest, or annual Income thereof paid to the Party who would for the Time being have been entitled to the Rentcharge in case the same had not been redeemed; or otherwise such Consideration Money may be paid, at the like Option of the Person for the Time being so entitled, to Trustees acting under the Will, Conveyance, or Settlement under which such Person having such limited Interest shall be entitled to or interested in such Rentcharge, or to such One or more of such Trustees as the said Commissioners may approve of and direct, or if there are no such Trustees, then into the Hands of Trustees to be nominated under the Hands and Seal of the said Commissioners; and the Money, when so paid to such Trustees, shall be applied by the said Trustees, with the Consent of the said Commissioners, in the Manner herein-before directed concerning any Money to be paid for Redemption or Sale into the Bank of *England* in the Name and with the Privity of the said Accountant General; and upon every Vacancy in the Office of any Trustee appointed by the said Commissioners some other fit Person shall be appointed by them in like Manner.

XL. When any Consideration Money so to be paid as last herein-before mentioned shall not exceed the Sum of Twenty Pounds for the Redemption or Sale of all the Rentcharge which shall be redeemable under this Act in any One Manor, the same shall be paid, if the said Commissioners shall so direct, to the Person for the Time being entitled to the Rentcharge, for his own Use and Benefit; or in case of Coverture, Infancy, Idiocy, Lunacy, or other Incapacity of the Person for the Time being entitled, then such Money shall be paid, for the Use of the Person so entitled, to the Husband, Guardian, Committee, or Trustee of such Person.

As to Consideration Money under 20*l*.

XLI. In any Commutation or Enfranchisement to be hereafter effected under or by virtue of the said recited Acts it shall not be imperative to make the Commutation Fines or Rentcharge, or Enfranchisement Rentcharge, variable with the Prices of Grain, but the same or any of them may, at the Option of the Parties effecting such Commutation or Enfranchisement, or at the Discretion of the Commissioners, as the Case may require, be fixed in Money or be made so variable as aforesaid.

Power to commute or enfranchise at fixed Fines or Rentcharges.

XLII. Any occupying Tenant of any Lands to be enfranchised under this Act who shall pay any Rentcharge or Interest which may become payable under this Act shall be entitled to deduct the Amount thereof from the Rent payable by him to his Landlord, and shall be allowed the same in account with the said Landlord.

Tenants may deduct Rentcharges, &c. payable to Landlord.

XLIII. A

Surrenderer by way of Mortgage, &c. to be deemed a Tenant for certain Purposes.

**XLIII.** A Surrenderer by way of Mortgage under a Surrender entered on the Court Rolls in possession, or in the Receipt of the Rents and Profits of Land, shall be deemed a Tenant within the Meaning of this Act, entitled to obtain or join in obtaining and effecting Enfranchisement, and redeeming a Rentcharge, under this and the said recited Acts, by and with the Approbation of the said Commissioners; and any Money paid by any Mortgagee for or in respect of the Consideration or Costs of Enfranchisement or Redemption of Rentcharge under this and the said recited Acts shall be added to the Amount due to him as Mortgagee, and the Land shall not be redeemable without Payment of such Money, with Interest thereon.

Enfranchisement not to affect previous Leases or Demises;

**XLIV.** Where Land enfranchised under this or the said recited Acts was immediately before such Enfranchisement subject to any subsisting Lease or Demise at Will or for any greater Interest, the Freehold into which such Estate is so converted shall be the Reversion immediately expectant upon such Lease or Demise at Will, and the Rents and Services reserved and made payable upon such Lease or Demise shall be incident and annexed to such Reversion; and the Covenants or Agreements, whether expressed or implied, on the Part of both the Lessor and Lessee, shall run with the Land and with the Reversion respectively; and such Enfranchisement shall not prejudice or affect any Right of Distress, Entry, or Action accruing in respect of such Lease or Demise.

or Commonable Rights of such Lands.

**XLV.** Nothing herein contained shall operate to deprive any Tenant of any Commonable Right to which he may be entitled in respect of such Lands, but such Right shall continue attached thereto, notwithstanding the same shall have become Freehold.

Enfranchisement not to affect Rights under any Will, Settlement, &c.

**XLVI.** No Enfranchisement under this Act shall, except as herein is mentioned, affect the Rights or Interests of any Person in, to, or out of the Lands enfranchised under any Will, Settlement, Mortgage, or otherwise, but the Right of every such Person shall continue to attach upon the Lands enfranchised, in the same way, as nearly as may be, as if the Freehold had been comprised in and had been devised, conveyed, charged, or otherwise disposed of by the Will, Settlement, Mortgage, or other Instrument or Disposition under which any such Person shall claim.

Defective Titles of Lords and Tenants.

**XLVII.** Provided always, That if any Enfranchisement Consideration Money shall be paid to any Lord whose Title shall thereafter prove to be bad or insufficient, the rightful Owner of the Manor or his Representatives shall be entitled to recover against such Lord or his Representatives the Amount or Value of such Consideration Money as Money had and received to the Use of such rightful Owner, and Interest thereon at the Rate of Five Pounds *per Centum per Annum* from the Time of such Title so proving to be bad or insufficient; and that if any Tenant or Person claiming to be Tenant shall, after Payment by him of any Enfranchisement Consideration Money, be evicted from the Lands enfranchised, by an adverse Claimant, such Tenant or Person shall be entitled to claim the Repayment of such Consideration Money against the Lands enfranchised, and the Amount thereof shall be a Charge upon the Lands enfranchised, and shall carry Interest at the

the Rate of Four Pounds *per Centum per Annum* from the Time of such Eviction.

**XLVIII.** No Enfranchisement under this Act shall extend to or affect the Estate or Rights of any Lord or Tenant in or to any Mines, Minerals, Limestone, Lime, Clay, Stone, Gravel, Pits, or Quarries within or under the Lands enfranchised, or within or under any other Lands, or any Rights of Entry, Rights of Way and Search, or other Easements of any Lord or Tenant in, upon, through, over, or under any Lands, or any Powers which in respect of Property in the Soil might but for such Enfranchisement have been exercised, for the Purpose of enabling the said Lord or Tenant, their or his Agents, Workmen, or Assigns, more effectually to search for, win, and work any Mines, Minerals, Pits, or Quarries, or to remove and carry away any Minerals, Limestone, Lime, Stones, Clay, Gravel, or other Substances had or gotten therefrom, or the Rights, Franchises, Royalties, or Privileges of any Lord in respect of any Fairs, Markets, Rights of Chase or Warren, Piscaries, or other Rights of Hunting, Shooting, Fishing, Fowling, or otherwise taking Game, Fish, or Fowl, unless with the express Consent in Writing of such Lord or Tenant; and nothing in this Act shall be held or construed to extend to any Copyhold Lands held for a Life or Lives or for Years, where the Tenant thereof hath not a Right of Renewal.

Act not to extend to Mines or Minerals, &c., nor to Copyholds for Lives where Tenants have not a Right of Renewal.

**XLIX.** Copies of and Extracts from every Award under this Act which shall be registered under this Act at the Office of the Commissioners, purporting to be sealed or stamped with the Seal of the Commissioners, shall respectively be received in Evidence without any further Proof thereof; and a Copy entered under this Act on the Court Rolls of every such Award shall be as available for the Purposes of Evidence as any Entry on the Court Rolls, and a Copy of or Extract from any such enrolled Copy shall be as available for the Purposes of Evidence as a Copy of an Entry on the Court Rolls.

Copies registered at the Office of Commissioners to be Evidence.

**L.** No Agreement, Valuation, Schedule, Award, or Power of Attorney under this Act shall be chargeable with Stamp Duty.

Agreements, &c. exempt from Stamp Duty.

**LI.** Any Person obstructing or hindering any Commissioner, Assistant Commissioner, Valuer, or Umpire acting under the Powers granted by the said recited Acts or by this Act, being convicted thereof before Two Justices of the Peace, shall forfeit the Sum of Five Pounds.

Penalty on Persons obstructing Commissioner, Valuer, &c.

**LII.** In this Act, unless where the Context shows that the Words herein-after mentioned are used in a different or more restricted Sense, they shall be understood in manner herein-after mentioned; that is to say, the Word "Lands" shall extend to and include Messuages, Tenements, and corporeal or incorporeal Hereditaments, subject to any Manorial Rights, or any undivided Part or Share therein; the Word "Valuers" shall apply to and include a single Valuer, where authorized to act alone, or any Umpire to be appointed as herein mentioned, and also the Commissioners or the Commissioner or Assistant Commissioner proceeding upon or with any Valuation under this Act in Cases where such single Valuer, Umpire, Commissioner, or Assistant Commissioner respectively shall act in any such Valuation; the Word "Manor" shall extend to such Portion or Portions of a

Construction of Words.

Manor

Manor as the said Commissioners shall by any Order in Writing under their Hands and Seal direct to be considered as a Manor for the Purpose of effecting any Enfranchisement under this Act; the Word "Lord" shall extend to and include the Lord or Lords of any Manor, whether seised for Life or in Tail or in Fee Simple, and all Ecclesiastical Lords seised in right of the Church or otherwise, and Lords Farmers holding under them, and any Body Politic, Corporate, or Collegiate, and all Lords seised of any Manor, whether they have or have not an absolute Power of selling or disposing of the same; and the Word "Steward" shall extend to and include a Deputy Steward or Clerk acting as such for the Time being.

This Act to be  
deemed Part of  
first-recited Act.

LIII. This Act shall be taken and construed as Part of the first-recited Act, and the Acts amending and explaining the same; and all the Enactments therein contained as to Enfranchisements effected under the Provisions thereof shall be deemed and taken to apply to Enfranchisements under this Act, and to the Rights of all Parties thereto, as if such Enactments were here again repeated, except so far as is herein-before otherwise provided for; and all Enfranchisements which may have taken place under such Acts or any of them, and all Matters and Things incident thereto, shall be of the same Force, Validity, and Effect as if the Provisions of this Act had been contained in the said first-recited Act.

Titles of Acts.

LIV. In citing or referring to the said recited Acts and this Act, or any of them, in other Acts or legal Instruments, it shall be sufficient to use the Expression "The Copyhold Acts," or "The Copyhold Act, 1841," "The Copyhold Act, 1843," "The Copyhold Act, 1844," or "The Copyhold Act, 1852," as the Case may be.

Not to impede  
Enfranchise-  
ment irrespec-  
tive of this Act,  
or Powers in  
other Acts of  
Parliament.

LV. Provided always, That nothing herein contained shall interfere with or prevent or impede the Enfranchisement of any Lands whatsoever which may be enfranchised irrespective of this Act, where Parties competent to do so shall agree on such Enfranchisement, or the Exercise of any Powers contained in any other Acts of Parliament.

## SCHEDULE.

### No. 1.

#### FORM of DEED of ENFRANCHISEMENT.

This Indenture, made the \_\_\_\_\_ Day of \_\_\_\_\_ in the  
Year \_\_\_\_\_ between *A.B.*, Lord of the Manor of \_\_\_\_\_  
of the One Part, and *C.D.* of \_\_\_\_\_ in the County of \_\_\_\_\_  
a Tenant of the said Manor, of the other Part: Whereas on or  
about the \_\_\_\_\_ Day of \_\_\_\_\_ the said [*Tenant*] was  
admitted Tenant to the Lands Parcel of the said Manor described  
in the Schedule hereto, upon an absolute Surrender passed to his  
Use by \_\_\_\_\_ [or by virtue of a Bargain and  
Sale from \_\_\_\_\_ or by virtue of the Will  
of \_\_\_\_\_ or as Customary Heir of  
as the Case may be]: Now this Indenture witnesseth, That in  
consideration

consideration of the Sum of Pounds Sterling by the said [*Tenant*] to the said [*Lord*] now paid, the Receipt of which the said [*Lord*] hereby acknowledges [*or in consideration of the Rentcharge to be reserved, as the Case may be,*] he the said [*Lord*], in exercise of any Power given him by the said Copyhold Acts, or any other Power whatsoever, and with the Consent of the Copyhold Commissioners, hereby enfranchises and releases unto the said [*Tenant*], his Heirs and Assigns, all the Lands to which the said [*Tenant*] was so admitted Tenant as herein-before recited, and which are described in the Schedule hereto, together with their Appurtenances, To hold the said Lands (subject to the [*here state the gross Sum of Money or Rentcharge*] secured to the said by the Certificate of the Copyhold Commissioners, *as the Case may require,*) unto the said [*Tenant*], his Heirs and Assigns [*here state any Uses which may be required,*] as Freehold, henceforth and for ever, discharged by these Presents from all Fines, Heriots, Reliefs, Quitrents, and all other Incidents whatsoever of Copyhold or Customary Tenure: Provided always, that nothing in this Deed contained shall prejudice or affect the Rights or Remedies of the said [*Lord*] in respect of any Lands held of the said Manor, other than those comprised in the Schedule hereto, nor any of the Rights reserved by the Copyhold Act, 1852, Section Forty-eight. In witness, &c.

### THE SCHEDULE.

#### No. 2.

CERTIFICATE of CHARGE affecting LANDS comprised in an Enfranchisement in the Manor of

's Enfranchisement.

We,  
the Copyhold Commissioners, do hereby certify, That the [*here state the gross Sum of Money, or the annual Rentcharge, which is the Consideration for the Enfranchisement, as the Case may be*] has been awarded on account of the Enfranchisement of the Lands described in the Schedule hereto, and we hereby charge the same Lands with the Payment of the [*here state the gross Sum of Money, or annual Rentcharge, as the Case may be; and, if a gross Sum of Money, add, with Interest thereon at the Rate of* Pounds per Centum per Annum [*here insert the Terms of Payment of the Principal and Interest (if any), and the Place (if any) agreed on for Payment thereof*]; and we certify, that the whole Principal Money charged on the said Lands under Certificates of Charge amounts to the Sum of Pounds, and that the said Lands were enfranchised subject to [*mention any gross Sums or annual Rentcharges (other than Tithe Rentcharges) subject to which the Lands were enfran-*

*enfranchised*]. In witness whereof we the said  
and have hereunto set our Hands and the  
Seal of the said Commissioners, this Day of  
in the Year of our Lord 1852 .

## THE SCHEDULE.

E. F.

G. H.

[Seal of the said Commissioners.]

[Here may follow Receipts for Principal and Interest  
respectively.]

## No. 3.

## FORM of ENDORSEMENT of TRANSFER of CERTIFICATE.

I A. B. of hereby transfer the within-written  
Certificate to C. D. of Dated this Day  
of 18 .

A. B.

## C A P. LII.

An Act to enable Colonial and other Bishops to perform  
certain Episcopal Functions, under Commission from  
Bishops of *England and Ireland*. [30th June 1852.]

53 G. 3. c. 155. **W**HEREAS by an Act passed in the Fifty-third Year of the  
Reign of His Majesty King George the Third, intituled  
*An Act for continuing in the East India Company for a further  
Term the Possession of the British Territories in India, with  
certain exclusive Privileges, for establishing further Regulations  
for the Government of the said Territories and the better Admi-  
nistration of Justice within the same, and for regulating the Trade  
to and from the Places within the Limits of the said Company's  
Charter*, it was provided and enacted, that in case it shall please  
His Majesty, by His Royal Letters Patent under the Great Seal  
of the United Kingdom of *Great Britain and Ireland*, to found  
and constitute One Bishoprick for the whole of the said *British  
Territories in the East Indies* and other Parts within the Limits  
of the said Company's Charter, and from Time to Time to  
nominate and appoint a Bishop to such Bishoprick, that such  
Bishop shall not have or use any Jurisdiction or exercise any  
Episcopal Functions whatsoever, either in the *East Indies* or  
elsewhere, but only such Jurisdiction and Functions as shall or  
may from Time to Time be limited to him by His Majesty, by  
Letters Patent under the Great Seal of the said United King-  
dom: And whereas by an Act passed in the Third and Fourth  
Years of the Reign of His Majesty King William the Fourth,  
intituled *An Act for effecting an Arrangement with the East  
India Company, and for the better Government of His Majesty's  
Indian Territories, till the Thirtieth Day of April One thousand*  
eight

eight hundred and fifty-four, it was provided and enacted, that in case it shall please His Majesty to erect, found, and constitute Two Bishopricks, One to be styled the Bishoprick of *Madras*, and the other the Bishoprick of *Bombay*, and from Time to Time to nominate and appoint Bishops to such Bishopricks, under the Style and Title of Bishop of *Madras* and *Bombay* respectively, that such Bishops shall not have or use any Jurisdiction or exercise any Episcopal Functions whatsoever, either in the said Territories or elsewhere, but only such Jurisdiction and Functions as shall and may from Time to Time be limited to them respectively by His Majesty by His Royal Letters Patent under the Great Seal of the said United Kingdom: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. Notwithstanding anything in the said Acts or in any Letters Patent as aforesaid contained, it shall be lawful for any Bishop who by virtue of such Royal Letters Patent under the Great Seal of the said United Kingdom shall exercise or have exercised in the British Territories aforesaid the Office of Bishop of *Calcutta*, or *Madras*, or *Bombay* respectively, upon the Request and by the Commission in Writing under the Hand and Seal of the Bishop of any Diocese in *England* or *Ireland*, and with the Consent and Licence in Writing of the Archbishop of the Province within which such Diocese shall be situated, to ordain any Persons, provided such Persons shall be presented to him under the Direction and Authority of the Bishop of such Diocese, and to perform all other Functions peculiar and appropriate to the Order of Bishops within the Limits of such Diocese.

East Indian Bishops, under Commission from Bishops in England and Ireland, to perform all Episcopal Functions.

II. And whereas by an Act passed in the Fifty-ninth Year of the Reign of King George the Third, intituled *An Act to permit the Archbishops of Canterbury and York and the Bishop of London for the Time being to admit Persons into Holy Orders specially for the Colonies*, it was enacted, "that from and after the passing of this Act no Person who shall have been admitted into Holy Orders by the Bishops of *Quebec*, *Nova Scotia*, or *Calcutta*, or by any other Bishop or Archbishop than those of *England* and *Ireland*, shall be capable of officiating in any Church or Chapel of *England* or *Ireland*, without special Permission from the Archbishop of the Province in which he proposes to officiate, or of having, holding, or enjoying or of being admitted to any Parsonage or other Ecclesiastical Preferment in *England* or *Ireland*, or of acting as Curate therein, without the Consent and Approbation of the Archbishop of the Province and also of the Bishop of the Diocese in which any such Parsonage or Ecclesiastical Preferment or Curacy may be situated," and it was provided, "that no Person who after the passing of this Act shall have been ordained a Deacon or Priest by a Colonial Bishop, who at the Time of such Ordination did not actually possess an Episcopal Jurisdiction over some Diocese, District, or Place, or was not actually residing within such Diocese, District, or Place, shall be capable in any way or on any Pretence whatever, of at any Time holding any

Repeal of certain Provisions in 59 G. 3. c. 60. and 3 & 4 Vict. c. 33., so far as they relate to Persons a limited into Holy Orders specially for the Colonies, or ordained by Colonial Bishops.

"Par-



“ Parsonage or other Ecclesiastical Preferment within His Majesty’s Dominions, or of being a stipendiary Curate or Chaplain, or of officiating at any Place or in any Manner as a Minister of the Established Church of *England and Ireland*.” And whereas by an Act passed in the Third and Fourth Years of the Reign of the Queen’s most Excellent Majesty, intituled *An Act to make certain Provisions and Regulations in respect to the Exercise, within England and Ireland, by the Bishops and Clergy of the Protestant Episcopal Church in Scotland, and also to extend such Provisions and Regulations to the Bishops and Clergy of the Protestant Episcopal Church in the United States of America, and also to make further Regulations in respect to Bishops and Clergy other than those of the United Church of England and Ireland*, it was enacted, “ that no Person who has been or shall be ordained a Deacon by any Protestant Bishop, other than an Archbishop or Bishop of the United Church of *England and Ireland*, and who shall after the passing of this Act be ordained a Priest by any Archbishop or Bishop of the United Church of *England and Ireland*, shall be thereby enabled, save as in this Act is provided, to exercise his Office within *England or Ireland*.” Be it enacted, and it is hereby enacted, That nothing in the said recited Acts contained shall extend or be held to extend to any Person who, in pursuance of such Request and Commission as aforesaid from the Bishop of any Diocese in *England or Ireland*, shall have been or may hereafter be ordained a Deacon or Priest within the Limits of such Diocese by any Bishop who by virtue of Her Majesty’s Royal Letters Patent under the Great Seal of the United Kingdom of *Great Britain and Ireland*, shall exercise or have exercised the Office of Bishop within the *British Territories in India*, or in any of Her Majesty’s Colonies or Foreign Possessions, and that all Admissions, Institutions, and Inductions to Benefices in the United Church of *England and Ireland*, and all Appointments to act as Curates and Chaplains therein, of Persons so admitted into Holy Orders by any such Bishop, shall, notwithstanding anything in the said recited Acts contained, be to all Intents and Purposes good and valid in Law.

Colonial Bishops subject to Laws of the Realm, &c. as to Titles, &c. of Persons ordained.

III. Provided always, That all and every of such Bishops, who, in accordance with the Provisions of this Act, shall officiate in behalf of the Bishop of any Diocese in *England or Ireland*, in conferring Holy Orders, shall be subject to the several Provisions and Limitations established by the Laws of this Realm, or Canons Ecclesiastical, as to the Titles of the Persons to be ordained, and as to the Oaths and Subscriptions to be by such Persons taken and made.

Letters of Orders to be signed by Colonial Bishop as Commissary of Bishop for whom he officiates.

IV. Provided also, That all Letters of Orders of Persons ordained by any such Bishop, in accordance with the Provisions of this Act, shall be issued in the Name and be subscribed with the Signature of such Bishop, as Commissary of the Bishop of the Diocese at whose Request and by whose Commission he shall officiate in conferring such Orders, and shall be sealed with the Seal of the Bishop of such Diocese; and all such Acts of Ordination by any such Bishop shall be recorded and registered in like Manner as if they had been performed by the Bishop of such Diocese.

V. Pro-

V. Provided always, That nothing in this Act contained shall be construed to authorize any such Bishop to use or exercise any Jurisdiction whatsoever within the United Kingdom of *Great Britain and Ireland*.

Colonial Bishop  
not to have  
Jurisdiction in  
U. K.

### C A P. LIII.

An Act to provide for the Exercise of certain Powers vested in the Bishop of *Quebec* in respect of Districts severed from his Diocese. [30th June 1852.]

**WHEREAS** by an Act passed in the Sixth Year of King *George* the Fourth, intituled *An Act to provide for the Extinction of Feudal and Seignioral Rights and Burthens on Lands held à Titre de Fief and à Titre de Cens in the Province of Lower Canada, and for the gradual Conversion of those Tenures into the Tenure of Free and Common Soccage, and for other Purposes relating to the said Province*, it was amongst other things enacted, that whenever and so often as it should appear to the Governor, Lieutenant Governor, or other Person administering the Government of the said Province, that the Surrender and Cession of any Part of the Lands so appropriated as therein mentioned for the Benefit of a Protestant Clergy in the said Province was necessary for quieting the Titles of any of His Majesty's Subjects to Land held or claimed by them, by Occupancy, lawful Prescription, Transfer, or by doubtful Titles, as therein mentioned, or was necessary or would be convenient for the carrying on of any public Buildings or Works, or for the more effectual Settlement of any District or Tract of Land within the said Province or otherwise for His Majesty's Service, or for the Benefit of the said Province, or of His Majesty's Subjects therein resident, then and in any or either of the Cases aforesaid it should and might be lawful for the Bishop of *Quebec* for the Time being, on behalf of the said Protestant Clergy, in compliance with any Requisition in Writing to him for that Purpose made by such Governor, Lieutenant Governor, or other Person administering the Government of the said Province, and he was thereby required, by a Deed under his Hand and Seal, duly attested by Two or more credible Witnesses, to surrender, yield up, and convey to His Majesty, His Heirs and Successors, the Lands comprised and described in any such Requisition as aforesaid, in exchange for other Lands situate in the said Province of equal Extent and Value, to be by His Majesty appropriated and set apart for the Support and Maintenance of Protestant Clergy therein, and which Deed so executed by the said Bishop of *Quebec* for the Time being should be valid and effectual in Law to vest in His Majesty, His Heirs and Successors, all the Lands therein included and comprised, and such Lands should and might, by His Majesty, His Heirs and Successors, be re-granted and re-conveyed to any other Person or Persons, for quieting their Possession and Titles, or otherwise as might from Time to Time be expedient or necessary, without any further Appropriation of Land being thereupon made for the Benefit of a Protestant Clergy: And whereas Her Majesty did, by Letters Patent of the Eighteenth Day of *July* One thousand eight hundred

6 G. 4. c. 59.

'dred and fifty, erect certain Portions of the ancient Diocese of *Quebec* therein described to be a Bishop's See or Diocese, and did declare and ordain that the same should be styled the Bishopric of *Montreal*: And whereas it is expedient to provide for the Exercise of the said Powers so vested in the Bishop of *Quebec*, so far as the same may affect the Bishopric of *Montreal*, or any Districts which may be severed from the said Bishopric of *Quebec*:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Powers of Bishop of Quebec in respect of the District comprised in the Diocese of Montreal to be exercised by the Bishop of Montreal.

I. All Duties, Powers, and Authority conferred upon the Bishop of *Quebec* for the Time being by the said recited Act, so far as the same have reference to Lands situated within the Bishopric of *Montreal*, and all Duties, Powers, and Authority relating to Matters within the said Bishopric of *Montreal* conferred upon the Bishop of *Quebec* by any other Act or Acts of Parliament, shall devolve upon and be exercised by the Bishop of *Montreal* for the Time being, and any Act heretofore done by the Bishop of *Montreal* within his Bishopric in Execution or assumed Execution of any of the Duties, Powers, and Authorities aforesaid shall be of equal Force and Validity as if the same had been done by the Bishop of *Quebec*.

Provision for future Changes in Limits of Dioceses.

II. If Her Majesty at any Time hereafter, in pursuance of the Authority to Her appertaining in this Behalf, shall annex to the Diocese of *Montreal* any further Portion of the Districts comprised within the said Diocese of *Quebec*, or shall otherwise alter the Limits of the said respective Dioceses, or shall erect any new Diocese out of the Districts now comprised in the Dioceses of *Quebec* and *Montreal* or in either of them, or shall annex to any other existing Diocese, or to any new Diocese to be by Her Majesty erected, any Portion of the said Districts, all the Duties, Powers, and Authorities aforesaid shall in every such Case, in respect of each Portion of the said Districts affected thereby, devolve upon and be exercised by the Bishop of the Diocese within which, after such Alteration of Limits, or such Erection of a new Diocese, or such Annexation as aforesaid, such respective Portion of the said Districts shall for the Time being be comprised.

### C A P. LIV.

An Act further to facilitate and arrange Proceedings in the County Courts. [30th June 1852.]

'WHEREAS it is expedient further to facilitate and arrange Proceedings in the County Courts:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Lord Chancellor to appoint Five Judges of Courts held under 9 & 10

I. That it shall be lawful for the Lord Chancellor from Time to Time to appoint Five of the Judges of in the Courts holden under an Act of the Ninth and Tenth Years of Her Majesty, Chapter Ninety-five, intituled *An Act for the more easy Recovery of Small*

*Small Debts and Demands* in England, from Time to Time to frame a Scale of Costs and Charges to be paid to Attornies in the County Courts, to be allowed as between Attorney and Client and as between Party and Party; and such Scale of Costs and Charges as shall be certified to the Lord Chancellor under the Hands of the Judges so appointed or authorized, or any Three of them, shall be submitted by the Lord Chancellor to Three or more of the Judges of the Superior Courts of Common Law at *Westminster*, of whom the Chief Justice of the Court of Queen's Bench or Common Pleas, or the Chief Baron of the Court of Exchequer, shall be One, and such Judges of the Superior Courts may approve or disallow or alter or amend such Scale of Costs and Charges, and the Scale of Costs and Charges so approved, altered, or amended shall, from and after a Day to be named by such last-mentioned Judges, be in force in every County Court; and all Costs between Party and Party and Attorney and Client shall be taxed by the Clerk of the Court; but his Taxation may be reviewed by the Judge upon the Application of either Party; and in no Case, upon the Taxation of the Costs between Attorney and Client, shall any Charges be allowed, not sanctioned by the aforesaid Scale, unless the Clerk is satisfied by Writing under the Hand of the Client that he has agreed to pay such further Charges, and no Attorney shall have a Right to recover at Law from his Client any Costs or Charges not so allowed on Taxation; and the Judges of the County Courts so appointed shall possess the same Powers of making Rules for regulating the Practice of the Courts, and of settling Doubts on the Construction of any Acts relating to County Courts, as were conferred on the Judges to be appointed by the Lord Chancellor for that Purpose by the Twelfth Section of the Twelfth and Thirteenth *Victoria*, Chapter One hundred and one, unless otherwise specially provided.

II. So much of the Thirteenth and Fourteenth *Victoria*, Chapter Sixty-one, Section Fourteen, as limits the Court of Appeal to the Puisne Judges of the Superior Courts of Common Law at *Westminster*, and the Sitting of the said Court of Appeal to a Time out of Term, is hereby repealed; and all Appeals now depending or hereafter to be brought before the said Superior Courts shall be heard and determined in Term by the Judges thereof, as Part of the ordinary Business of such Courts, or out of Term by any Two or more of the Judges of the said Superior Courts sitting as a Court of Appeal for that Purpose.

III. The Judges of the said Superior Courts, or any Five of them, of whom a Chief of One of the said Superior Courts shall be One, may from Time to Time make General Orders for regulating the Proceedings on Appeals, which Orders shall be as valid as if included in this Act, but shall not be in force until the End of the Session of Parliament next after the Promulgation thereof.

IV. The Thirteenth Section of the Thirteenth and Fourteenth *Victoria*, Chapter Sixty-one, is hereby repealed; and in any Action in which the Plaintiff shall not be entitled to recover his Costs by reason of the Provisions of the Eleventh Section of such Act, whether there be a Verdict in such Action or not, if the Plaintiff shall make it appear to the Satisfaction of the Court in which such Action was brought, or to the Satisfaction of a Judge

Vic. c. 95. to frame a Scale of Fees, to be submitted to Judges of Superior Courts for Approval.

Costs to be taxed by Clerk of Court, subject to Review.

So much of 13 & 14 Viet. c. 61. s. 14. as limits the Sitting of Court of Appeal, &c. repealed.

Appeals to be heard in Term as well as out.

Power to Judges of Superior Courts to make Orders regulating Appeals.

Power to the Court or a Judge at Chambers to make an Order entitling the Plaintiff to recover his Costs.

at Chambers, upon Summons, that such Action was brought for a Cause in which concurrent Jurisdiction is given to the Superior Courts by the One hundred and twenty-eighth Section of the Ninth and Tenth *Victoria*, Chapter Ninety-five, or for which no Plaint could have been entered in any such County Courts, or that such Action was removed from a County Court by Certiorari, or that there was sufficient Reason for bringing such Action in the Court in which such Action was brought, then and in any of such Cases the Court in which such Action is brought, or the said Judge at Chambers, shall thereupon, by Rule or Order, direct that the Plaintiff shall recover his Costs, and thereupon the Plaintiff shall have the same Judgment to recover his Costs that he would have had if the before-mentioned Act of the Thirteenth and Fourteenth *Victoria*, Chapter Sixty-one, had not been passed.

Re-issuing  
Warrants of  
Distraint.

V. That in all Cases where a Warrant of Execution shall have been issued against the Goods and Chattels of any Person, or an Order for his Commitment been made, and such Person or his Goods and Chattels shall be out of the Jurisdiction of the Court, and such Warrant or Order shall have been sealed and stamped by the Clerk of another County Court, pursuant to the One hundred and fourth Section of the Act of the Ninth and Tenth *Victoria*, Chapter Ninety-five, it shall be lawful for the said Clerk of such other Court to re-issue the said Warrant or Order to the High Bailiff of such other Court, and thereupon such High Bailiff shall be authorized and required to act in all respects in the Execution of the said Warrant or Order within the Jurisdiction of the Court to which the same shall have been so sent in the same Manner, with the same Powers, and subject to the same Rules as if the District to which the Warrant or Order shall have been sent were within the Limits of the Court which originally issued the Warrant or Order.

Protection to  
Officers.

VI. If any Action or Suit shall be brought against any Person for anything done in pursuance of this Act, or of any other Act relating to County Courts, such Person may plead the General Issue, and give the special Matter in Evidence; and the Warrant under the Seal of the County Court, being produced in any such Action or Suit, shall be deemed sufficient Proof of the Authority of the said County Court previous to the issuing of such Warrant; and in case the Plaintiff in such Action shall have a Verdict pass against him, be nonsuit, or discontinue the Action or Suit, the Defendant shall in any of the said Cases be allowed full Costs as between Attorney and Client.

On Petition to  
Her Majesty,  
the Jurisdiction  
of Court of local  
Jurisdiction  
may be excluded  
from that of the  
County Court  
in concurrent  
Causes.

VII. If the Council of any City or Borough, or a Majority of the Ratepayers of any Parish, within the Limits of which a Court of local Jurisdiction other than a County Court is established, under the said Act of the Ninth and Tenth *Victoria*, Chapter Ninety-five, or into the Limits of which the Jurisdiction of such Court of local Jurisdiction shall extend, shall petition the Queen in Council that the Jurisdiction of such Court of local Jurisdiction may be excluded in any Causes whereof the County Court hath Cognizance, and if Notice of such Petition shall be given Two Months before it is presented, by public Advertisement in such City, Borough, or Parish, and in some Newspaper therein circulated. Her Majesty, by Order in Council, may declare such

Exclusion

Exclusion of the Jurisdiction of such Court of local Jurisdiction throughout the whole or any Part of the District assigned or which may hereafter be assigned to such County Court, if no Petition against declaring such Exclusion be presented, and no Caveat be entered at the Council Office ; and if any counter Petition be presented, or any Caveat be entered, then Her Majesty may refer such Petition and counter Petition to the Judicial Committee of the Privy Council, upon whose Report Her Majesty may make such Order in Council as She shall be advised touching the Matter of the said Petitions, in respect of excluding the Jurisdiction of such Court of local Jurisdiction, and may award Compensation to any Person or Persons entitled to the Franchise of appointing Officers of such Court, or to any Officers thereof appointed before the passing of this Act, to be given by the Commissioners of Her Majesty's Treasury, who are hereby empowered to pay the same.

VIII. The Treasurer of the County Court in which any Insolvent's Estate shall be administered, at the Audits of the Account of the Clerk of such Court, shall also audit and examine the Books and Accounts of the Clerk in all Matters relating to such Estate, and shall make a Report to the Judge of the Court, stating whether a Dividend should be made, and the general Result of such Audit ; and the Judge shall examine the said Clerk on Oath as to the Correctness of such Accounts, and may make such Order as he may deem requisite respecting a Dividend or other Matter relating to such Estate and Accounts ; and the Treasurer shall thereafter at his future Audit require and examine the Receipts of the several Creditors for any Dividend ; and the Commissioners of Her Majesty's Treasury shall have Power to make Rules to be observed by the Treasurers of County Courts respecting the Audit of the Clerk's Accounts of Insolvent Estates, and shall have the same Power of making Rules for securing the Balances and other Sums of Money in the Hands of any Officer of the County Courts under the last-mentioned Act, and for the due accounting and Application of such Balances and other Sums, that they have with respect to Balances and other Sums in the same Hands under the Act of the Ninth and Tenth *Victoria*, Chapter Ninety-five.

As to Audit  
of Clerk's  
Account.

IX. The Clerk and the High Bailiff of every County Court shall deliver quarterly to the Treasurer, in such Form as the Treasurer, by Direction of the said Commissioners, shall require, a full Account in Writing of the Fees from Time to Time received by them respectively under the Act of the Ninth and Tenth *Victoria*, Chapter Ninety-five.

Account of Fees  
to be delivered.

X. ' And whereas by the said Act passed in the Ninth and Tenth Years of Her present Majesty it was enacted, that no Person should be entitled to appear for any other Party to any Proceeding in any of the said Courts "unless he be an Attorney of One Her Majesty's Superior Courts of Record, or a Barrister-at-Law, instructed by such Attorney on behalf of the Party, or, by Leave of the Judge, any other Person allowed by the Judge to appear instead of such Party, but that no Barrister, Attorney, or other Person, except by Leave of the Judge, should be entitled to be heard to argue any Question as Counsel for any other Person in any Proceeding in any

Provision of  
9 & 10 Vict.  
c. 95. as to Per-  
sons qualified to  
practise before  
County Courts  
not to extend to  
this Act.

‘ “ Court holden under that Act : ” Be it enacted, That the said last-recited Enactment be repealed; and that it shall be lawful for the Party to the Suit or other Proceeding, or for an Attorney of One of Her Majesty’s Superior Courts of Record, being an Attorney acting generally in the Action for such Party, but not an Attorney retained as an Advocate by such first-mentioned Attorney, or for a Barrister retained by or on behalf of the Party, on either Side, but without any Right of exclusive or pre-Audience, or by Leave of the Judge, for any other Person allowed by the Judge to appear instead of the Party, to address the Court, but subject to such Regulations as the Judge may from Time to Time prescribe for the orderly Transaction of the Business of the Court.

Hundred Courts  
of Offlow and  
Hemlingford  
abolished.

XI. From and after the passing of this Act no Action or Suit shall be commenced in the Hundred Court of *Offlow* in the County of *Stafford*, or in the Hundred Court of *Hemlingford* in the County of *Warwick*, and the Authority and Jurisdiction of the said Courts shall cease, and all Actions or Suits depending in the said Courts shall be transferred, with all the Proceedings thereon, to the County Court for the District in which the respective Defendants shall then reside; and such Actions and Suits shall be dealt with and decided, as to the Costs of the same, as well as in other respects, according to the Practice of the County Court or of the said Hundred Courts, according to the Discretion of the Judge of the County Court, which Court shall for the Purposes of such Actions or Suits be deemed to have all the Power and Jurisdiction possessed by the said Hundred Courts before the passing of this Act.

Compensation  
to be paid out  
of Hundred  
Courts.

XII. Every Person who is legally entitled to any Franchise or Office in or in respect of the said Hundred Courts shall be entitled to make a Claim for Compensation to the Commissioners of Her Majesty’s Treasury within Six Months after the passing of this Act, and the said Commissioners in such Manner as they shall think fit, may inquire what was the Nature of the Franchise or Office, and what was the Tenure thereof, and what were the lawful Fees and Emoluments in respect of which such Compensation should be allowed; and the said Commissioners in each Case shall award such gross or yearly Sum, and for such Time, as they shall think just to be awarded, upon Consideration of the special Circumstances of each Case: Provided always, that if any Person holding any Office in the said Hundred Courts shall be appointed to any public Office or Employment, the Payment of the Compensation awarded to him under this Act, so long as he shall continue to receive the Salary or Emoluments of such Office or Employment, shall be suspended, if the Amount of such Salary or Emoluments be greater than the Amount of the Compensation, or, if not, shall be diminished by the Amount of such Salary or Emoluments.

Compensations  
to be paid out  
of Consolidated  
Fund.

XIII. The several Compensations herein-before granted shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, and the Commissioners of Her Majesty’s Treasury of the said United Kingdom are hereby empowered to pay the same accordingly.

Limiting Salaries  
of Judges  
and Clerks.

XIV. After the passing of this Act the greatest Salaries to be received in any Case by the Judges and Clerks of the County Courts

Courts respectively shall be One thousand five hundred Pounds by a Judge, and Seven hundred Pounds by a Clerk, but in no Case shall any Judge be paid a less Salary than Twelve hundred Pounds: Provided always, that the Salary of any Judge or Clerk acting in the same Capacity before the passing of the Act of the Ninth and Tenth *Victoria*, Chapter Ninety-five, in any Court mentioned in Schedule (A.) to that Act, shall not be limited to any Sum less than the average Amount of the Fees and Emoluments of his Office during the Seven Years next before the passing of the said last-mentioned Act.

XV. That it shall be lawful for the Lord Chancellor, from Time to Time, on a Petition presented to him for that Purpose, to recommend to the Commissioners of Her Majesty's Treasury that there shall be paid quarterly out of the said Consolidated Fund to such of the Judges of the County Courts as shall be afflicted with some permanent Infirmary disabling him from the due Execution of his Office, and who shall be desirous of resigning the same, an Annuity or clear yearly Sum of Money for the Term of his Life, not exceeding Two Thirds of the yearly Salary which such Judge shall be entitled to as a Judge of County Court at the Time of presenting his Petition; and such Annuity or Sum shall be paid out of the said Consolidated Fund quarterly or otherwise, as the said Commissioners may direct.

XVI. After Three Months from the passing of this Act no Judge of the said County Courts shall practise at the Bar, or as a Special Pleader or Equity Draftsman, or be directly or indirectly concerned as a Conveyancer, Notary Public, Solicitor, Attorney, or Proctor.

XVII. No Clerk of a County Court shall henceforth be appointed for more than One District in which a Court is holden, unless from there being no Attorney resident within the District of the Court in which the Office of Clerk is vacant, or from any other Reason, the Lord Chancellor, or, where the whole of the District is within the Duchy of *Lancaster*, the Chancellor of the Duchy, shall deem it expedient to order otherwise.

XVIII. That a Registry of every Judgment entered in the County Courts for the Sum of Ten Pounds and upwards shall be formed in such Manner, in such Place, and under such Regulations as the Commissioners of Her Majesty's Treasury shall appoint, and that for the Inspection of the said Register when formed such Fees shall be charged to Persons desirous of inspecting the same as shall be appointed by the said Commissioners, and the Proceeds of such Fees shall be applied in such Manner as the said Commissioners shall appoint, in paying the Expenses incurred in establishing and maintaining the said Register, and the Surplus of such Fees after providing for the Payment of such Expenses, shall be paid over to the Credit of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

XIX. Upon the Death, Removal, or Resignation of any of the Persons now in possession of the Office of Clerk of the County Court of *Gloucestershire* holden at *Bristol*, the remaining Person or Persons holding such Office at the Time of such Death, Removal, or Resignation shall be the sole Clerk or Clerks of such Court, and no other Person shall be appointed to such Office of Clerk

Lord Chancellor may order Retiring Pension to be paid to County Court Judges.

Judges of County Courts not to practise at the Bar, &c.

No Clerk to be appointed for more than One District, except in certain Cases.

A Registry of County Courts Judgments to be established.

No other Persons to be appointed Clerks of the Bristol Court until all the present Clerks shall die, resign, or be removed.



Clerk jointly or otherwise until all the Persons holding such Office at the Time of the passing of this Act shall have died, resigned, or been removed.

### C A P. LV.

An Act to extend the Provisions of "The Trustee Act, 1850."  
[30th June 1852.]

‘WHEREAS it is expedient to extend the Provisions of the Trustee Act, 1850:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Court of Chancery may make an Order for vesting the Estate, in lieu of Conveyance by a Party to the Suit after a Decree or Order for Sale.

I. That when any Decree or Order shall have been made by any Court of Equity directing the Sale of any Lands for any Purpose whatever, every Person seised or possessed of such Land, or entitled to a contingent Right therein, being a Party to the Suit or Proceeding in which such Decree or Order shall have been made, and bound thereby, or being otherwise bound by such Decree or Order, shall be deemed to be so seised or possessed or entitled (as the Case may be) upon a Trust within the Meaning of the Trustee Act, 1850; and in every such Case it shall be lawful for the Court of Chancery, if the said Court shall think it expedient for the Purpose of carrying such Sale into effect, to make an Order vesting such Lands or any Part thereof, for such Estate as the Court shall think fit, either in any Purchaser or in such other Person as the Court shall direct; and every such Order shall have the same Effect as if such Person so seised or possessed or entitled had been free from all Disability, and had duly executed all proper Conveyances and Assignments of such Lands for such Estate.

Power to make an Order for vesting the Estate, on Refusal or Neglect of a Trustee to convey or release.

II. That Sections numbered Seventeen and Eighteen in the Queen’s Printer’s Copy of the Trustee Act, 1850, be repealed; and in every Case where any Person is or shall be jointly or solely seised or possessed of any Lands or entitled to a contingent Right therein upon any Trust, and a Demand shall have been made upon such Trustee by a Person entitled to require a Conveyance or Assignment of such Lands, or a duly authorized Agent of such last-mentioned Person, requiring such Trustee to convey or assign the same, or to release such contingent Right, it shall be lawful for the Court of Chancery, if the said Court shall be satisfied that such Trustee has wilfully refused or neglected to convey or assign the said Lands for the Space of Twenty-eight Days after such Demand, to make an Order vesting such Lands in such Person, in such Manner and for such Estate as the Court shall direct, or releasing such contingent Right in such Manner as the Court shall direct; and the said Order shall have the same Effect as if the Trustee had duly executed a Conveyance or Assignment of the Lands, or a Release of such Right, in the same Manner and for the same Estate.

Power to make an Order for Transfer or

III. That when any Infant shall be solely entitled to any Stock upon any Trust, it shall be lawful for the Court of Chancery to make an Order vesting in any Person or Persons the Right

Right to transfer such Stock, or to receive the Dividends or Income thereof; and when any Infant shall be entitled jointly with any other Person or Persons to any Stock upon any Trust, it shall be lawful for the said Court to make an Order vesting the Right to transfer such Stock, or to receive the Dividends or Income thereof, either in the Person or Persons jointly entitled with the Infant, or in him or them together with any other Person or Persons the said Court may appoint.

Receipt of Dividends of Stock in Name of an infant Trustee.

IV. That where any Person shall neglect or refuse to transfer any Stock, or to receive the Dividends or Income thereof, or to sue for or recover any Chose in Action, or any Interest in respect thereof, for the Space of Twenty-eight Days next after an Order of the Court of Chancery for that Purpose shall have been served upon him, it shall be lawful for the Court of Chancery to make an Order vesting all the Right of such Person to transfer such Stock, or to receive the Dividends or Income thereof, or to sue for and recover such Chose in Action, or any Interest in respect thereof, in such Person or Persons as the said Court may appoint.

On Neglect to transfer Stock for 28 Days, Order may be made vesting Right to transfer in such Person as the Court shall appoint.

V. When any Stock shall be standing in the sole Name of a deceased Person, and his personal Representative shall refuse or neglect to transfer such Stock or receive the Dividends or Income thereof for the Space of Twenty-eight Days next after an Order of the Court of Chancery for that Purpose shall have been served upon him, it shall be lawful for the Court of Chancery to make an Order vesting the Right to transfer such Stock, or to receive the Dividends or Income thereof, in any Person or Persons whom the said Court may appoint.

On like Neglect by Executor, similar Order may be made.

VI. When any Order being or purporting to be under this Act, or under the Trustee Act, 1850, shall be made by the Lord Chancellor intrusted as aforesaid, or by the Court of Chancery, vesting the Right to any Stock, or vesting the Right to transfer any Stock, or vesting the Right to call for the Transfer of any Stock, in any Person or Persons, in every such Case the legal Right to transfer such Stock shall vest accordingly; and the Person or Persons so appointed shall be authorized and empowered to execute all Deeds and Powers of Attorney, and to perform all Acts relating to the Transfer of such Stock into his or their own Name or Names, or otherwise, to the Extent and in conformity with the Terms of the Order; and the Bank of *England*, and all Companies and Associations whatever, and all Persons, shall be equally bound and compellable to comply with the Requisitions of such Person or Persons so appointed as aforesaid, to the Extent and in conformity with the Terms of such Order, as the said Bank of *England*, or such Companies, Associations, or Persons would have been bound and compellable to comply with the Requisitions of the Person in whose Place such Appointment shall have been made.

Bank of England and Companies to comply with such Orders.

VII. That every Order made or to be made, being or purporting to be made under this or the Trustee Act, 1850, by the Lord Chancellor intrusted as aforesaid, or by the Court of Chancery, and duly passed and entered, shall be a complete Indemnity to the Bank of *England*, and all Companies and Associations whatsoever, and all Persons, for any Act done pursuant thereto; and it shall not be necessary for the Bank of *England*, or such Company or Association, or Person, to inquire concerning the Propriety of such

Indemnity to Bank and Companies so obeying.

Clerk jointly or otherwise until all the Persons holding such Office at the Time of the passing of this Act shall have died, resigned, or been removed.

### C A P. LV.

An Act to extend the Provisions of "The Trustee Act, 1850."  
[30th June 1852.]

‘**W**HEREAS it is expedient to extend the Provisions of the Trustee Act, 1850:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Court of Chancery may make an Order for vesting the Estate, in lieu of Conveyance by a Party to the Suit after a Decree or Order for Sale.

I. That when any Decree or Order shall have been made by any Court of Equity directing the Sale of any Lands for any Purpose whatever, every Person seised or possessed of such Land, or entitled to a contingent Right therein, being a Party to the Suit or Proceeding in which such Decree or Order shall have been made, and bound thereby, or being otherwise bound by such Decree or Order, shall be deemed to be so seised or possessed or entitled (as the Case may be) upon a Trust within the Meaning of the Trustee Act, 1850; and in every such Case it shall be lawful for the Court of Chancery, if the said Court shall think it expedient for the Purpose of carrying such Sale into effect, to make an Order vesting such Lands or any Part thereof, for such Estate as the Court shall think fit, either in any Purchaser or in such other Person as the Court shall direct; and every such Order shall have the same Effect as if such Person so seised or possessed or entitled had been free from all Disability, and had duly executed all proper Conveyances and Assignments of such Lands for such Estate.

Power to make an Order for vesting the Estate, on Refusal or Neglect of a Trustee to convey or release.

II. That Sections numbered Seventeen and Eighteen in the Queen’s Printer’s Copy of the Trustee Act, 1850, be repealed; and in every Case where any Person is or shall be jointly or solely seised or possessed of any Lands or entitled to a contingent Right therein upon any Trust, and a Demand shall have been made upon such Trustee by a Person entitled to require a Conveyance or Assignment of such Lands, or a duly authorized Agent of such last-mentioned Person, requiring such Trustee to convey or assign the same, or to release such contingent Right, it shall be lawful for the Court of Chancery, if the said Court shall be satisfied that such Trustee has wilfully refused or neglected to convey or assign the said Lands for the Space of Twenty-eight Days after such Demand, to make an Order vesting such Lands in such Person, in such Manner and for such Estate as the Court shall direct, or releasing such contingent Right in such Manner as the Court shall direct; and the said Order shall have the same Effect as if the Trustee had duly executed a Conveyance or Assignment of the Lands, or a Release of such Right, in the same Manner and for the same Estate.

Power to make an Order for the Transfer or

III. That when any Infant shall be solely entitled to any Stock upon any Trust, it shall be lawful for the Court of Chancery to make an Order vesting in any Person or Persons the Right

Right to transfer such Stock, or to receive the Dividends or Income thereof; and when any Infant shall be entitled jointly with any other Person or Persons to any Stock upon any Trust, it shall be lawful for the said Court to make an Order vesting the Right to transfer such Stock, or to receive the Dividends or Income thereof, either in the Person or Persons jointly entitled with the Infant, or in him or them together with any other Person or Persons the said Court may appoint.

Receipt of Dividends of Stock in Name of an infant Trustee.

IV. That where any Person shall neglect or refuse to transfer any Stock, or to receive the Dividends or Income thereof, or to sue for or recover any Chose in Action, or any Interest in respect thereof, for the Space of Twenty-eight Days next after an Order of the Court of Chancery for that Purpose shall have been served upon him, it shall be lawful for the Court of Chancery to make an Order vesting all the Right of such Person to transfer such Stock, or to receive the Dividends or Income thereof, or to sue for and recover such Chose in Action, or any Interest in respect thereof, in such Person or Persons as the said Court may appoint.

On Neglect to transfer Stock for 28 Days, Order may be made vesting Right to transfer in such Person as the Court shall appoint.

V. When any Stock shall be standing in the sole Name of a deceased Person, and his personal Representative shall refuse or neglect to transfer such Stock or receive the Dividends or Income thereof for the Space of Twenty-eight Days next after an Order of the Court of Chancery for that Purpose shall have been served upon him, it shall be lawful for the Court of Chancery to make an Order vesting the Right to transfer such Stock, or to receive the Dividends or Income thereof, in any Person or Persons whom the said Court may appoint.

On like Neglect by Executor, similar Order may be made.

VI. When any Order being or purporting to be under this Act, or under the Trustee Act, 1850, shall be made by the Lord Chancellor intrusted as aforesaid, or by the Court of Chancery, vesting the Right to any Stock, or vesting the Right to transfer any Stock, or vesting the Right to call for the Transfer of any Stock, in any Person or Persons, in every such Case the legal Right to transfer such Stock shall vest accordingly; and the Person or Persons so appointed shall be authorized and empowered to execute all Deeds and Powers of Attorney, and to perform all Acts relating to the Transfer of such Stock into his or their own Name or Names, or otherwise, to the Extent and in conformity with the Terms of the Order; and the Bank of *England*, and all Companies and Associations whatever, and all Persons, shall be equally bound and compellable to comply with the Requisitions of such Person or Persons so appointed as aforesaid, to the Extent and in conformity with the Terms of such Order, as the said Bank of *England*, or such Companies, Associations, or Persons would have been bound and compellable to comply with the Requisitions of the Person in whose Place such Appointment shall have been made.

Bank of England and Companies to comply with such Orders.

VII. That every Order made or to be made, being or purporting to be made under this or the Trustee Act, 1850, by the Lord Chancellor intrusted as aforesaid, or by the Court of Chancery, and duly passed and entered, shall be a complete Indemnity to the Bank of *England*, and all Companies and Associations whatsoever, and all Persons, for any Act done pursuant thereto; and it shall not be necessary for the Bank of *England*, or such Company or Association, or Person, to inquire concerning the Propriety of such

Indemnity to Bank and Companies so obeying.

such Order, or whether the Lord Chancellor intrusted as aforesaid, or the Court of Chancery, had Jurisdiction to make the same.

Power to appoint new Trustees in lieu of Persons convicted of Felony.

VIII. That when any Person is or shall be jointly or solely seised or possessed of any Lands or entitled to any Stock upon any Trust, and such Person has been or shall be convicted of Felony, it shall be lawful for the Court of Chancery, upon Proof of such Conviction, to appoint any Person to be a Trustee in the Place of such Convict, and to make an Order for vesting such Lands, or the Right to transfer such Stock, and to receive the Dividends or Income thereof, in such Person to be so appointed Trustee; and such Order shall have the same Effect as to Lands as if the Convict Trustee had been free from any Disability, and had duly executed a Conveyance or Assignment of his Estate and Interest in the same.

Power to Court to appoint new Trustees where none existing.

IX. That in all Cases where it shall be expedient to appoint a new Trustee, and it shall be found inexpedient, difficult, or impracticable so to do without the Assistance of the Court of Chancery, it shall be lawful for the said Court to make an Order appointing a new Trustee or new Trustees, whether there be any existing Trustee or not at the Time of making such Order.

Chancellor may make Orders for Appointment of Trustees without it being in Chancery, &c.

X. In every Case in which the Lord Chancellor intrusted as aforesaid has Jurisdiction under this Act, or the Trustee Act, 1850, to order a Conveyance or Transfer of Land or Stock, or to make a Vesting Order, it shall be lawful for him also to make an Order appointing a new Trustee or new Trustees, in like Manner as the Court of Chancery may do in like Cases, without its being necessary that the Order should be made in Chancery as well as in Lunacy, or be passed and entered by the Registrar of the Court of Chancery.

Persons intrusted with the Care of Lunatics.

XI. That all the Jurisdiction conferred by this Act on the Lord Chancellor, intrusted by virtue of the Queen's Sign Manual with the Care of the Persons and Estates of Lunatics, shall and may be had, exercised, and performed by the Person or Persons for the Time being intrusted as aforesaid.

Act to be construed as Part of Trustee Act, 1850.

XII. That this Act shall be read and construed according to the Definitions and Interpretations contained in the Second Section of the Trustee Act, 1850, and the Provisions of the said last-mentioned Act (except so far as the same are altered by or inconsistent with this Act) shall extend and apply to the Cases provided for by this Act, in the same Way as if this Act had been incorporated with and had formed Part of the said Trustee Act, 1850.

All Orders made under Trustee Act, 1850, or this Act to be chargeable with the same Stamp Duty as Deeds of Conveyance.

XIII. That every Order to be made under the Trustee Act, 1850, or this Act, which shall have the Effect of a Conveyance or Assignment of any Lands, or a Transfer of any such Stock as can only be transferred by stamped Deed, shall be chargeable with the like Amount of Stamp Duty as it would have been chargeable with if it had been a Deed executed by the Person or Persons seised or possessed of such Lands, or entitled to such Stock; and every such Order shall be duly stamped for denoting the Payment of the said Duty.

## C A P. LVI.

An Act for regulating the Qualifications of Pharmaceutical Chemists. [30th June 1852.]

WHEREAS it is expedient for the Safety of the Public that Persons exercising the Business or Calling of Pharmaceutical Chemists in *Great Britain* should possess a competent practical Knowledge of Pharmaceutical and General Chemistry and other Branches of useful Knowledge: And whereas certain Persons desirous of advancing Chemistry and Pharmacy, and of promoting an uniform System of educating those who should practise the same, formed themselves into a Society, called "The Pharmaceutical Society of *Great Britain*," which said Society was on the Eighteenth Day of *February* One thousand eight hundred and forty-three incorporated by Royal Charter, whereby it was provided that the said Society should consist of Members who should be Chemists and Druggists who were or had been established on their own Account at the Date of the said Charter, or who should have been examined in such Manner as the Council of the said Society should deem proper, or who should have been certified to be duly qualified for Admission, or who should be Persons elected as Superintendents by the Council of the said Society: And whereas it is expedient to prevent ignorant and incompetent Persons from assuming the Title of or pretending to be Pharmaceutical Chemists or Pharmaceutists in *Great Britain*, or Members of the said Pharmaceutical Society, and to that end it is desirable that all Persons before assuming such Title should be duly examined as to their Skill and Knowledge by competent Persons, and that a Register should be kept by some legally authorized Officer of all such Persons: And whereas for the Purposes aforesaid, and for extending the Benefits which have already resulted from the said Charter of Incorporation, it is desirable that additional Powers should be granted for regulating the Qualifications of Persons who may carry on the Business of Pharmaceutical Chemists: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

I. That the said Charter of Incorporation granted to the said Society on the Eighteenth Day of *February* One thousand eight hundred and forty-three, save and except such Part or Parts thereof as are hereby altered, varied, or repealed, shall be and the same is hereby confirmed and declared to be in full force and virtue, and shall be as good and effectual to all Intents and Purposes as if this Act had not been passed.

Charter, dated 18th Feb. 1843, confirmed, save as altered.

II. The Council of the said Pharmaceutical Society shall be and the same are hereby authorized and empowered to alter and amend the Byelaws of the said Society made and established under or in pursuance of the said Charter of Incorporation, and to make and establish such new or additional Byelaws as they shall deem proper and necessary for the Purposes contemplated by the said Charter or by this Act: Provided always, that all such

Power to Council to alter Byelaws, provided they are approved by a General Meeting of Society and the Secretary of State

such original Byelaws, and all altered, amended, or additional Byelaws, shall be confirmed and approved by a Special General Meeting of the Members of the said Pharmaceutical Society, and by One of Her Majesty's Principal Secretaries of State: Provided also, that the existing Byelaws of the said Society shall continue in force until the next Annual Meeting of the said Society to be held in the Month of *May* One thousand eight hundred and fifty-three.

Manner of  
voting.

III. At all Meetings of the said Society at which Votes shall be given for the Election of Officers, all Members entitled to vote may give their Votes either personally, or, in Cases of Residence exceeding Five Miles from the General Post Office, *Saint Martin's le Grand, London*, by Voting Papers authorized by Writing, in a Form to be defined in the Byelaws of the said Society, or in a Form to the like Effect, such Voting Papers being transmitted under Cover to the Secretary not less than Five clear Days prior to the Day on which the Election is to take place.

Council to ap-  
point Registrar,  
&c.

IV. The Council of the said Pharmaceutical Society shall, within Three Calendar Months after the passing of this Act, appoint a fit and proper Person as a Registrar under this Act, and the Council of the said Society shall have the Power to remove the said Registrar, or any future Registrar to be appointed under this Act, from the said Office, and from Time to Time to appoint a new Registrar in the Room of any Registrar who may die, or retire, or be removed from Office as aforesaid, and also to appoint and remove from Time to Time a Deputy Registrar, and such Clerks and other subordinate Officers as may be requisite for carrying out the Purposes of this Act, and also to pay suitable Salaries to the said Registrar, Deputy Registrar, Clerks, and Officers.

Registrar to  
make Registers  
of Members of  
Society, &c.,  
and to keep an  
Index, &c.

V. The Registrar to be appointed under or by virtue of this Act shall from Time to Time make out and maintain a complete Register of all Persons being Members of the said Society, and also of all Persons being Associates and Apprentices or Students respectively, according to the Terms of the Charter of Incorporation, and shall keep a proper Index of the Register, and all such other Registers and Books as may be required by the Council of the said Society, and may be necessary for giving Effect to the Byelaws of the said Society and to the Provisions of this Act.

All Members,  
&c. of the So-  
ciety at passing  
of Act entitled  
to be registered.

VI. All such Persons as shall at the Time of the passing of this Act be Members, Associates, Apprentices, or Students of the said Pharmaceutical Society of *Great Britain*, according to the Terms of the said Charter of Incorporation, shall be registered as Pharmaceutical Chemists, Assistants, and Apprentices or Students respectively.

Registrar  
bound to cer-  
tify, &c., and  
his Certificate  
good Evidence  
in absence of  
the contrary.

VII. The Registrar to be appointed under or by virtue of this Act shall be bound, on the Application of any Person paying One Shilling, to certify under his Hand whether or no any Person whose Name and Address shall be furnished to him appears in the said Register or is a Member of the Pharmaceutical Society of *Great Britain* or not; and the Certificate of such Registrar, signed by the said Registrar, and countersigned by the President or Two Members of the Council of the said Society, shall, in  
the

the Absence of Evidence to the contrary, be sufficient Evidence of the Facts therein stated up to the Date of the said Certificate.

VIII. All such Persons as shall from Time to Time be appointed under or in pursuance of the said Charter of Incorporation or the Byelaws thereof, or under this Act, shall be and the same are hereby declared to be fit and proper Persons to conduct all such Examinations as are provided for or contemplated by this Act, and shall respectively have full Power and Authority and are hereby authorized and empowered to examine all Persons who shall present themselves for Examination under the Provisions of this Act in their Knowledge of the Latin Language, in Botany, in *Materia Medica*, and in Pharmaceutical and General Chemistry, and such other Subjects as may from Time to Time be determined by any Byelaw ; provided always, that such Examinations shall not include the Theory and Practice of Medicine, Surgery, or Midwifery ; and the said Examiners are hereby empowered to grant or refuse to such Persons, as in their Discretion may seem fit, Certificates of competent Skill and Knowledge and Qualification to exercise the Business or Calling of Pharmaceutical Chemists, or as the Case may require, to be engaged or employed as Students, Apprentices, or Assistants respectively.

Persons appointed under Charter or Byelaws, or this Act, to conduct Examinations.

Power to Examiners to grant Certificates.

IX. And to enable the said Society to provide for the Examination in *Scotland* of such Students, Apprentices, or Assistants in *Scotland* as may desire to be examined there, it shall be lawful for the Council of the Society, and they are hereby required, to appoint such fit and proper Persons in *Scotland*, to meet in *Edinburgh* or *Glasgow*, or such other Place or Places as the Council may think desirable, and to conduct there all such Examinations as are provided for and contemplated by this Act, with such and the like Powers and Authorities in respect thereof as are herein conferred, and to grant to the Persons to be so examined such and the like Certificates as are herein-before specified and referred to, or to refuse the same; and all the Provisions of this Act shall be equally applicable to the Examiners, Examinations, and Parties examined in *Scotland* as to the Examiners, Examinations, and Parties examined in *England*.

Examiners to be appointed to *Scotland*.

X. Every such Person who shall have been examined by the Persons appointed as aforesaid, and shall have obtained a Certificate of Qualification from them, shall be entitled to be registered by the Registrar according to the Provisions of this Act, upon Payment of such Fee or Fees as shall be fixed by the Byelaws ; and every such Person duly registered as a Pharmaceutical Chemist shall be eligible to be elected as a Member of the said Society ; and every such Person duly registered as an Assistant shall be eligible for Admission as an Associate of the said Society ; and every such Person duly registered as a Student or Apprentice to a Pharmaceutical Chemist shall be eligible for Admission into the said Society ; according to the Byelaws thereof.

Certificated Persons entitled to be registered ;

Pharmaceutical Chemists eligible to be Members ; Eligibility of Persons registered as Assistants, &c.

XI. That no Person who is a Member of the Medical Profession, or who is practising under Right of a Degree of any University, or under a Diploma or Licence of a Medical or Surgical Corporate Body, shall be entitled to be registered under this Act ; and if any registered Pharmaceutical Chemist shall obtain such Diploma or Licence, his Name shall not be retained on the said Register

Exceptions.



Register during the Time that he is engaged in Practice as aforesaid.

Persons not duly registered shall not assume or use Name or Title of Pharmaceutical Chemist, or any Name, Title, or Sign implying the same.

XII. From and after the passing of this Act, it shall not be lawful for any Person, not being duly registered as a Pharmaceutical Chemist according to the Provisions of this Act, to assume or use the Title of Pharmaceutical Chemist or Pharmaceutist in any Part of *Great Britain*, or to assume, use, or exhibit any Name, Title, or Sign implying that he is registered under this Act, or that he is a Member of the said Society; and if any Person, not being duly registered under this Act, shall assume or use the Title of Pharmaceutical Chemist or Pharmaceutist, or shall use, assume, or exhibit any Name, Title, or Sign implying that he is a Person registered under this Act, or that he is a Member of the said Society, every such Person shall be liable to a Penalty of Five Pounds; and such Penalty may be recovered by the Registrar to be appointed under this Act, in the Name and by the Authority of the Council of the said Society, in manner following; (that is to say,)

Penalty on Persons offending.

Penalties, how recoverable in England and Wales; In Scotland.

In *England* or *Wales*, by Plaintiff under the Provisions of any Act in force for the more easy Recovery of Small Debts and Demands:

In *Scotland*, by Action before the Court of Session in ordinary Form, or by summary Action before the Sheriff of the County, or in the Royal Burghs before the Magistrates of the Burghs where the Offence may be committed or the Offender resides, who, upon Proof of the Offence or Offences either by Confession of the Party offending or by the Oath or Affirmation of One or more credible Witnesses, shall convict the Offender, and find him liable in the Penalty or Penalties aforesaid, as also in Expenses; and it shall be lawful for the Sheriff or Magistrate, in pronouncing such Judgment for the Penalty or Penalties and Costs, to insert in such Judgment a Warrant, in the event of such Penalty or Penalties and Costs not being paid, to levy and recover the Amount of the same by Pounding:

Provided always, that it shall be lawful to the Sheriff or Magistrate, in the event of his dismissing the Action and absolving the Defender, to find the Complainer liable in Expenses; and any Judgment so to be pronounced by the Sheriff or Magistrate in such summary Application shall be final and conclusive, and not subject to Review, by Advococation, Suspension, Reduction, or otherwise.

Limitation for Recovery of Penalties, &c.

XIII. Provided always, That no Action or other Proceeding for any Offence under this Act shall be brought after the Expiration of Six Months from the Commission of such Offence; and in every such Action or Proceeding the Party who shall prevail shall recover his full Costs of Suit or of such other Proceedings.

Application of Penalties.

XIV. All and every Sums and Sum of Money which shall arise from any Conviction and Recovery of Penalties for Offences incurred under this Act shall be paid as the Commissioners of Her Majesty's Treasury shall direct.

XV. If

XV. If any Registrar under this Act shall wilfully make or cause to be made any Falsification in any Matters relating to any Register or Certificate aforesaid, every such Offender shall be deemed guilty of a Misdemeanor.

Registrar falsifying Register, &c. guilty of a Misdemeanor.

XVI. If any Person shall wilfully procure by any false or fraudulent Means a Certificate purporting to be a Certificate of Registration under this Act, or shall fraudulently exhibit a Certificate purporting to be a Certificate of Membership of the Pharmaceutical Society, every such Person so offending shall be adjudged guilty of a Misdemeanor.

Any Person wilfully procuring false Certificate guilty of a Misdemeanor.

### C A P. LVII.

An Act to provide for more effectual Inquiry into the Existence of corrupt Practices at Elections for Members to serve in Parliament. [30th June 1852.]

**W**HEREAS it is expedient to make more effectual Provision for inquiring into the Existence of corrupt Practices at Elections of Members to serve in Parliament: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: .

I. Where by a joint Address of both Houses of Parliament it shall be represented to Her Majesty that a Committee of the House of Commons appointed to try an Election Petition, or a Committee of that House appointed to inquire into the Existence of corrupt Practices in any Election or Elections of a Member or Members to serve in Parliament, have reported to the House that corrupt Practices have, or that there is Reason to believe that corrupt Practices have, extensively prevailed in any County, Division of a County, City, Borough, University, or Place in the United Kingdom electing or sharing in the Election of a Member or Members to serve in Parliament, at any Election or Elections of such Members or Member, and the said Houses shall thereupon pray Her Majesty to cause Inquiry to be made under this Act, by Persons named in such Address, such Persons being (where the Inquiry to be made relates to a Place in *England or Ireland*) Barristers-at-Law of not less than Seven Years Standing, or (where such Inquiry relates to a Place in *Scotland*) Advocates, of not less than Seven Years Standing, and not being Members of Parliament, or holding any Office or Place of Profit under the Crown, other than that of a Recorder of any City or Borough, it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, to appoint the said Persons to be Commissioners for the Purpose of making Inquiry into the Existence of such corrupt Practices; and in case any of the Commissioners so appointed die, resign, or become incapable to act, it shall be lawful for the surviving or continuing Commissioners or Commissioner to act in such Inquiry as if they or he had been solely appointed to be Commissioners or a sole Commissioner for the Purposes of such Inquiry, and (as to such sole Commissioner) as if this Act had authorized the Appointment of a sole Commissioner; and all the Provisions of this Act concerning the Commissioners appointed to make any such Inquiry

Upon Address of Houses of Parliament, Her Majesty may appoint Commissioners to make Inquiry into corrupt Practices at Elections.

Inquiry shall be taken to apply to such surviving or continuing Commissioner or Commissioners.

Commissioners  
to be sworn.

II. Every Commissioner appointed in pursuance of this Act shall, before beginning to act in the Execution of this Act, take the following Oath; (that is to say,)

' I *A.B.* do swear, That I will truly and faithfully execute the Powers and Trusts vested in me by an Act intituled [*here insert the Title of the Act*], according to the best of my Knowledge and Judgment. So help me GOD.'

And every such Commissioner appointed in *England* or *Ireland* shall take such Oath before a Justice of the Court of Queen's Bench or Common Pleas, or a Baron of the Court of Exchequer, in *England* or *Ireland* respectively; and every such Commissioner appointed in *Scotland* shall take such Oath before a Judge of the Court of Session in *Scotland*.

Secretary and  
Clerks to be  
appointed.

III. It shall be lawful for any Commissioners appointed under this Act to appoint, and at their Pleasure to dismiss, a Secretary, and so many Clerks, Messengers, and Officers as shall be thought necessary by One of Her Majesty's Principal Secretaries of State, for the Purpose of conducting the Inquiry to be made by them, and to pay to such Secretary, Clerks, Messengers, and Officers such Salaries and Allowances as shall be thought reasonable by the Commissioners of Her Majesty's Treasury.

Place of Meet-  
ing.

IV. The Commissioners appointed under this Act to make Inquiry as aforesaid in relation to any County, Division of a County, City, Borough, University, or Place shall, upon their Appointment, or within a reasonable Time afterwards, go to such County, Division of a County, City, Borough, University, or Place, and shall from Time to Time hold Meetings for the Purposes of such Inquiry at some convenient Place within the same, or within Ten miles thereof, and shall have Power to adjourn such Meetings from Time to Time, and from any One Place to any other Place within such County, Division of a County, City, Borough, University, or Place, or within Ten Miles thereof, as to them may seem expedient; and such Commissioners shall give Notice of their Appointment, and of the Time and Place of holding their First Meeting, by publishing the same in some Newspaper in general Circulation in such County, Division of a County, City, Borough, University, or Place, or the Neighbourhood thereof: Provided always, that such Commissioners shall not adjourn the Inquiry for any Period exceeding One Week, without the Consent and Approbation of One of Her Majesty's Principal Secretaries of State.

Commissioners  
may hold Meet-  
ings in London  
or Westminster.

V. Provided also, That it shall be lawful for the said Commissioners, with such Consent and Approbation as aforesaid, to hold Meetings of the said Commissioners in the Cities of *London* or *Westminster*, and to adjourn the same from Time to Time, as they may deem fit.

Inquiry by the  
Commissioners.

VI. Such Commissioners shall, by all such lawful Means as to them appear best, with a view to the Discovery of the Truth, inquire into the Manner in which the Election in relation to which such Committee as aforesaid may have reported to the House of Commons, or where the Report of such Committee has referred to Two or more Elections, the latest of such Elections, has been conducted,

ducted, and whether any corrupt Practices have been committed at such Election, and if so, whether by way of the Gift or Loan or the Promise of the Gift or Loan of any Sum of Money or other valuable Consideration to any Voter or Voters, or to any other Person or Persons on his or their Behalf, for the Promise or the giving of his or their Vote or Votes, or for his or their refraining or promising to refrain from giving his or their Vote or Votes, at such Election, or for his or their procuring or undertaking to procure the Votes of other Electors at such Election, or whether by the Payment of any Sum of Money or Loan or other valuable Consideration whatsoever to any Voter, or to any other Person on his Behalf, before, during, or after the Termination of such Election, by way of Head Money, or in compliance with any Usage or Custom in the County, Division of a County, City, Borough, University, or Place to which the Inquiry relates, or how otherwise, or whether any Sum of Money or other valuable Consideration whatsoever has been paid to any Voter, or to any other Person on his Behalf, after the Termination of such Election, as a Reward for giving or for having refrained from giving his Vote at such Election; and in case such Commissioners find that corrupt Practices have been committed at the Election into which they are herein-before authorized to inquire, it shall be lawful for them to make the like Inquiries concerning the latest previous Election for the same County, Division of a County, City, Borough, University, or Place; and upon their finding corrupt Practices to have been committed at that Election it shall be lawful for them to make the like Inquiries concerning the Election immediately previous thereto for such County, Division of a County, City, Borough, University, or Place, and so in like Manner from Election to Election, as far back as they may think fit; but where upon Inquiry as aforesaid concerning any Election such Commissioners do not find that corrupt Practices have been committed thereat, they shall not inquire concerning any previous Election; and such Commissioners shall from Time to Time report to Her Majesty the Evidence taken by them, and what they find concerning the Premises, and especially such Commissioners shall report with respect to each Election the Names of all Persons whom they find to have been guilty of corrupt Practice at such Election, and as well of those who have given Bribes for the Purchase or for the Purpose of purchasing the Votes of others as of those who have themselves received Money or any other valuable Consideration for having given or having refrained from giving, or for the Purpose of inducing them to give or to refrain from giving their Votes at such Election, and also the Names of all Persons whom they find to have given to others, or to have received themselves, Payments by way of Head Money, or as a Reward for giving or refraining from giving their Votes at such Election, and all other Things whereby in the Opinion of the said Commissioners the Truth may be better known touching the Premises.

VII. Every Report which such Commissioners make to Her Majesty in pursuance of this Act shall be laid before Parliament within One Calendar Month next after such Report is made, if Parliament be then sitting, or if Parliament be not then sitting, then

Reports to be  
laid before  
Parliament.

then within One Calendar Month next after the then next Meeting of Parliament.

Power to send  
for Persons and  
Papers.

VIII. It shall be lawful for such Commissioners, by a Summons under their Hands and Seals, or under the Hand and Seal of any One of them, to require the Attendance before them, at a Place and Time to be mentioned in the Summons, which Time shall be a reasonable Time from the Date of such Summons, of any Persons whomsoever whose Evidence, in the Judgment of such Commissioners or Commissioner, may be material to the Subject Matter of the Inquiry to be made by such Commissioners, and to require all Persons to bring before them such Books, Papers, Deeds, and Writings as to such Commissioners or Commissioner appear necessary for arriving at the Truth of the Things to be inquired into by them under this Act; all which Persons shall attend such Commissioners, and shall answer all Questions put to them by such Commissioners touching the Matters to be inquired into by them, and shall produce all Books, Papers, Deeds, and Writings required of them, and in their Custody or under their Control, according to the Tenor of the Summons: Provided always, that no Statement made by any Person in answer to any Question put by such Commissioner shall, except in Cases of Indictment for Perjury committed in such Answers, be admissible in Evidence in any Proceeding, civil or criminal.

Persons impli-  
cated in corrupt  
Practices who  
may be exa-  
mined, and shall  
make a faithful  
Discovery, in-  
demnified.

IX. For the more effectually prosecuting any Inquiry under this Act, every Person who has been engaged in any corrupt Practice at or connected with any Election of Members or a Member to serve in Parliament for any County, Division of a County, City, Borough, University, or Place to which any Inquiry under this Act relates, and who is examined as a Witness, and gives Evidence touching such corrupt Practice before the Commissioners appointed under this Act to make such Inquiry, and who upon such Examination makes a true Discovery to the best of his Knowledge touching all Things to which he is so examined, shall be freed from all Penal Actions, Forfeitures, Punishments, Disabilities, and Incapacities, and all Criminal Prosecutions to which he may have been or may become liable or subject at the Suit of Her Majesty, Her Heirs or Successors, or any other Person, for anything done by such Person or Persons in respect of such corrupt Practice; and no Person shall be excused from answering any Question put to him by such Commissioners on the Ground of any Privilege, or on the Ground that the Answer to such Question will tend to criminate such Person.

Witnesses exa-  
mined not to be  
indemnified un-  
less they shall  
have a Certifi-  
cate from the  
Commissioners.

X. Where any Witness is so examined as aforesaid, such Witness shall not be indemnified under this Act unless he receive from such Commissioners a Certificate in Writing under their Hands, stating that such Witness has, upon his Examination, made a true Disclosure touching all Things to which he has been so examined; and if any Action, Information, or Indictment be at any Time pending in any Court against any Person so examined as a Witness in manner above mentioned, for any corrupt Practice at any Election to which the Inquiry made by such Commissioners had reference, such Court shall, on the Production and Proof of such Certificate, stay the Proceedings in any such Action, Information, or Indictment, and may, in its Discretion, award to such Person  
such

such Costs as he may have been put to by such Action, Information, or Indictment.

XI. It shall be lawful for any such Commissioners, or One of them, to administer an Oath, or an Affirmation where an Affirmation would be admitted in a Court of Justice on the Ground of Religious Scruples, to all Persons who are examined before them touching the Things to be inquired into by them under this Act.

Commissioners to examine on Oath, &c.

XII. If any Person on whom any Summons shall have been served, by the Delivery thereof to him or by the leaving thereof at his usual Place of Abode, fail to appear before the said Commissioners at the Time and Place specified in such Summons, it shall be lawful for the said Commissioners to certify such Default under their Hands and Seals, or under the Hand and Seal of any One of them, to any of Her Majesty's Superior Courts in *England or Ireland* or to the Court of Session in *Scotland*, or to the Lord Ordinary on the Bills in the said Court, as the Case may be; and thereupon such Court or Judge shall proceed against the Person so failing to attend, in the same Manner as if the said Person had failed to obey any Writ of Subpœna, or any Process issuing out of the said Court; and if any Person so summoned to attend as aforesaid, and having appeared before the said Commissioners, shall refuse to be sworn, or to make Answer to such Questions as are put to him touching the Matters in question by the said Commissioners, or to produce and show to the said Commissioners any Papers, Books, Deeds, or Writings being in his Possession or under his Control, which the Commissioners may deem necessary to be produced; or if any Person shall be guilty of any Contempt of the said Commissioners or their Office, the said Commissioners shall have such and the same Powers to be exercised in the same way as any Judge of any of Her Majesty's Superior Courts of *England or Ireland*, or of the Court of Session in *Scotland*, sitting under any Commission, may now by Law exercise in that Behalf; and all Headboroughs, Gaolers, Constables, and Bailiffs shall and they are required to give their Aid and Assistance to the said Commissioners in the Execution of their Office.

Penalty for Non-attendance, or refusing to give Evidence.

XIII. Every Person who, upon Examination upon Oath or Affirmation before any Commissioners to be appointed under this Act, wilfully gives false Evidence, shall be liable to the Pains and Penalties of Perjury.

Penalty for false swearing, &c.

XIV. The said Commissioners shall have Power, if they deem fit, to award to any Witness summoned to appear before them a reasonable Sum for his or her travelling Expenses, and for his or her Maintenance according to a Scale to be determined and approved of by the Commissioners of Her Majesty's Treasury, and the said Commissioners shall certify to the said Commissioners of Her Majesty's Treasury the Names of the said Witnesses, together with the Sums allowed to each, and the said Commissioners shall pay to the said Witnesses the said Sums so allowed as aforesaid, out of any Money which may be provided by Parliament for the Purposes of the said Commission.

Expenses of Witnesses.

XV. It shall be lawful for the Commissioners of Her Majesty's Treasury to make an Order for the Payment of the necessary Expenses of any Inquiry under this Act; and every Commissioner

Expenses of the Inquiry.

to be appointed under this Act shall be paid, at the Conclusion of the Inquiry, over and above his travelling and other Expenses, such Sum as the Commissioners of Her Majesty's Treasury think fit; and any Commissioners so appointed shall, after the Termination of their last Sitting, and after they have made their Report to Her Majesty, as herein-before directed, lay or cause to be laid before the Commissioners of Her Majesty's Treasury a Statement of the Number of Days they have been actually employed in the Inquiry made by them, together with an Account of the travelling and other Expenses of each of such Commissioners; and the Commissioners of Her Majesty's Treasury shall make an Order for the Payment to each Commissioner of the Sum which the Commissioners of Her Majesty's Treasury so think fit to be paid to him, and in respect of his travelling and other Expenses, which said Payments shall be made out of any Money which may be provided by Parliament for that Purpose.

**Protection of  
Commissioners.**

XVI. That the Commissioners shall have such and the like Protection and Privileges, in case of any Action brought against them for any Act done or omitted to be done in the Execution of their Duty, as is now by Law given by any Act or Acts now or hereafter to be in force to Justices acting in execution of their Office.

**Limitation of  
Actions.**

XVII. No Action shall be brought against any Commissioners appointed under this Act, or any other Person whomsoever, for any Thing done in the Execution of this Act, unless such Action be brought within Six Calendar Months next after the doing of such Thing.

**C A P. LVIII.**

An Act to continue certain Turnpike Acts in *Great Britain*.  
[30th June 1852.]

‘ **W**HEREAS it is expedient to continue for limited Times the Acts herein-after specified :’ Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

All Turnpike Acts which will expire on or before the End of next Session continued to 1st Oct. 1853, &c., with the following Exceptions:

53 G. 3. c. ccviii.

56 G. 3. c. xlvii.

I. Every Act now in force for regulating, making, amending, or repairing any Turnpike Road in *Great Britain*, which will expire on or before the End of the next Session of Parliament, shall be continued until the First Day of *October* in the Year One thousand eight hundred and fifty-three, and to the End of the then next Session of Parliament; except an Act of the Fifty-third Year of King *George* the Third, Chapter Two hundred and eight, “for amending the Roads from *Hodges* to *Beadles Hill* and *Cuckfield*, and from *Beadles Hill* to *Lindfield*, and from the *Cuckfield* and *Crawley* Road to *Horsham*, and from *Swingate* to *Shorser Green*, all in the County of *Sussex*,” an Act of the Fifty-sixth Year of King *George* the Third, Chapter Forty-seven, “for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing and widening the Road from *Aldermaston* to *Basingstoke*, and several other Roads therein mentioned, in the Counties of *Berks* and *Southampton*,” as far as the same relates

relates to the Second District of Roads; an Act of the Fifty-ninth Year of King *George* the Third, Chapter Fifty, "to continue the Term and alter and enlarge the Powers of an Act of His present Majesty, for repairing the Road from *Atcham* to *Condover* and *Dorrington*, and other Roads in the said Act mentioned, in the County of *Salop*;" an Act of the same Year, Chapter Eighty-five, "for making and maintaining a Turnpike Road from *Runcorn* to *Northwich* in the County Palatine of *Chester*;" an Act of the Session holden in the First and Second Years of King *George* the Fourth, Chapter Thirty-three, "to continue the Term and alter and enlarge the Powers of an Act passed for making and maintaining a Road from the *Romford* and *White-chapel* Road to or near *Tilbury Fort* in the County of *Essex*;" an Act of the Third Year of King *George* the Fourth, Chapter Two, "for repairing and maintaining certain Roads leading to and from *Chepstow*, and other Places in the Counties of *Monmouth* and *Gloucester*, called the District of *Chepstow* and the New Passage District," as far as the same relates to the Second or New Passage District of Roads; an Act of the Fifth Year of King *George* the Fourth, Chapter One hundred and forty-three, "for making and maintaining a Turnpike Road from the Road leading from *Manchester* to *Bolton* to communicate with the Road from *Bury* to *Bolton* in the County Palatine of *Lancaster*;" and an Act of the Sixth Year of King *George* the Fourth, Chapter Forty-two, "for making and maintaining a Turnpike Road from *Eccleshill* to *Bradford* in the County of *York*;" and except as herein-after mentioned.

II. The Acts mentioned in the Schedule to this Act annexed shall continue in force until the First Day of *November* in the Year One thousand eight hundred and fifty-three, and no longer, unless Parliament shall in the meantime continue the same respectively.

III. In citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Annual Turnpike Acts Continuance Act, 1852."

IV. This Act shall not apply to *Ireland*.

### SCHEDULE.

An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from *Burford* in the County of *Oxford* to *Leachlade* in the County of *Gloucester*, and also the Road from thence through *Highworth* to the *Cricklade* and *Swindon* Turnpike Road in the County of *Wilts*.

An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Roads from *West Harptrey* to the *Bath* and *Wells* Turnpike Roads, and other Roads therein mentioned, in the County of *Somerset*; and for repairing certain other Roads to communicate therewith.

An Act for making and maintaining a Road from a Place called *Lees* in the Parish of *Bingley*, to commence and branch off from the Road leading from *Cross Roads Inn* to *Haworth* at the North-east Corner of a certain Close of Land called *The Highfield*, to *Hebden Bridge* in the Parish of *Halifax*, all in the West Riding of the County of *York*.



- 54 G. 3. c. lxxx. An Act for making and maintaining certain Roads from the Town of Stroud and several other Places therein mentioned, all in the County of Gloucester.
- 54 G. 3. c. cxxi. An Act for repairing the Road from Saint Lloyd's in the Town of Bedford in the County of Bedford to the Turnpike Road leading from Olney to Newport Pagnell in the County of Buckingham.
- 58 G. 3. c. xlii. An Act for more effectually repairing and improving the Road between Warrington and Lower Irlam in the County Palatine of Lancaster.
- 59 G. 3. c. xlii. An Act to enlarge the Term and Powers of Two Acts of His present Majesty, for repairing and widening the Road from the City of Gloucester to the Town of Stroud in the County of Gloucester.
- 1 & 2 G. 4. c. xi. An Act for enlarging the Term and Powers of several Acts of King George the Second and of His late Majesty King George the Third, for repairing the High Road from the Borough of Ripon, by Ingram Bank, to the Town of Pateley Bridge in the County of York.
- 4 G. 4. c. xxviii. An Act for more effectually repairing the Road leading from the Turnpike Road near the West End of the Town of Chesterfield to Matlock Bridge, and also the Road leading out of the said Road over Darley Bridge to Cross Green, and also the Road leading out of the last-mentioned Road to the Turnpike Road near Rowsley Bridge, all in the County of Derby.
- 4 G. 4. c. xlii. An Act for making and maintaining a Turnpike Road from Horsham in the County of Sussex, by Bewbush, to the Town of Crawley in the said County.
- 4 G. 4. c. xlvii. An Act for repairing and improving divers Roads in the Counties of Stafford and Salop comprised in Three Districts called the Eccleshall, Newport, and Watling Street District, the Newcastle and Eccleshall District, and the Hilton and Honnington District.
- 4 G. 4. c. lxxxi. An Act for amending and keeping in repair the Roads from Dover to Barham Downs, and from Dover to the Town of Folkestone, and from thence through the Parish of Folkestone to Sandgate, in the County of Kent.
- 5 G. 4. c. xxxii. An Act for more effectually amending the Roads from Whitchurch in the County of Salop to that Part of the Road leading from Nantwich in the County of Chester to Newcastle-under-Lyne in the County of Stafford which passes through the Township of Madeley in the said County of Stafford, and also from Hinstock in the said County of Salop to Nantwich aforesaid.
- 5 G. 4. c. xxxiv. An Act for repairing the Road from Burtryford in the County of Durham, through Alston in the County of Cumberland, to Burnstones in the County of Northumberland, and from Summerrod's Bar near Hexham to Alston aforesaid, and several other Roads in the said Counties, and in the North Riding of the County of York, and for erecting Bridges over the River Tyne.
- 6 G. 4. c. xxiii. An Act for making and maintaining a Turnpike Road from Cainscross through Stroud, over Rodborough and Minchinhampton Commons, to the Town of Minchinhampton, with several Branches therefrom, all in the County of Gloucester.
- 6 G. 4. c. xxv. An Act for making and maintaining a Turnpike Road from the present Turnpike Road between Maidstone and Wrotham in the County of Kent to Strood in the said County.

An Act for making and maintaining a Turnpike Road from the Town of Gravesend to Wrotham in the County of Kent, and from thence to Borough Green on the Turnpike Road leading from Wrotham Heath to Ightham in the said County. 6 G. 4. c. 1.

An Act for making and maintaining a new Road from Leeds to Whitehall near Halifax, and several Branch Roads therefrom, all in the West Riding of the County of York. 6 G. 4. c. xcvii.

An Act for making and maintaining a Turnpike Road from Wimpole in the County of Cambridge to Wrestlingworth in the County of Bedford, and from Wrestlingworth to Potton, both in the said County of Bedford. 7 G. 4. c. xxix.

An Act for more effectually repairing and improving the Roads leading from Pick's Hill near the Town of Langport Eastover in the County of Somerset, through High Ham, Ashcott, and other Places, to Meare in the said County. 7 G. 4. c. xxxix.

An Act for making and maintaining a Turnpike Road leading out of the Alstone Turnpike Road at Branch End in the County of Northumberland, through Catton, Allendale Town, and Allenheads, to Cows Hill in the County of Durham, with several Branches therefrom. 7 G. 4. c. lxxiv.

An Act for more effectually repairing so much of the Road from Henley Bridge to Maidenhead Thicket as lies between the said Bridge and the Thirtieth Milestone from London in the Parish of Bisham in the County of Berks. 7 G. 4. c. lxxvii.

An Act for making and maintaining a Road from the Top of Hunt's Bank in the Town of Manchester in the County of Lancaster to join the present Manchester and Bury Turnpike Road in Pilkington in the said County. 7 G. 4. c. lxxxi.

An Act for making a Turnpike Road from Shipley to Bramley, together with certain Branches therefrom, in the West Riding of the County of York. 7 G. 4. c. cxxix.

An Act for making and maintaining a Road from the Town of Northampton in the County of Northampton to Cold Brayfield in the County of Buckingham. 7 & 8 G. 4. c. lxxi.

And the Acts continued by any of the Acts in this Schedule mentioned.

### C A P. LIX.

An Act to continue the Poor Law Board. [30th June 1852.]

**W**HEREAS by the Act of the Eleventh Year of Her Majesty, Chapter One hundred and nine, Provisions were made for the Constitution and Appointment of Commissioners for administering the Laws for the Relief of the Poor in *England*, Secretaries, Inspectors, and other Officers, which Provisions will expire at the End of the Session of Parliament held next after the Twentieth Day of *July* in the present Year, and it is expedient that such Provisions should be continued for a limited Time: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Commissioner appointed by Her Majesty the Queen, or to be appointed by Her Majesty, Her Heirs and Successors, under the Authority of the said Act, together with

Poor Law  
Board further  
continued.

## C A P. LXII.

An Act to alter and amend certain Acts relating to the Woods, Forests, and Land Revenues of the Crown.

[30th June 1852.]

**W**HEREAS by an Order under the Hands of Two of the Commissioners of Her Majesty's Treasury, bearing Date on or about the Twenty-ninth Day of *January* One thousand eight hundred and fifty-two, the said Commissioners, by virtue of the Powers vested in them for that Purpose by the Act passed in the last Session of Parliament, Chapter Forty-two, did assign to the Right Honourable *Thomas Francis Kennedy*, One of the Commissioners of Woods, Forests, and Land Revenues, the Management and Direction of or in relation to (among other Woods, Forests, and Land Revenues,) *Dean Forest* and *High Meadow Woods*, and the Office of Gaveller of *Dean Forest*, and they did by the said Order assign to the said *Thomas Francis Kennedy* the whole Duties and Powers whatsoever which but for their said Order might be exercised by the said Commissioners jointly relative to the Premises the Management and Direction whereof was so thereby assigned to the said *Thomas Francis Kennedy*; and the said Commissioners of Her Majesty's Treasury did by the said Order assign to the Honourable *Charles Alexander Gore*, the other of the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues, the Management and Direction of or in relation to the Woods, Forests, and Land Revenues therein particularly mentioned, and also the Office of Conservator of the River *Mersey*, and, subject to the specific Assignment of Duties and Powers to the said *Thomas Francis Kennedy*, they did by the said Order assign to the said *Charles Alexander Gore* the whole of the Duties and Powers whatsoever which but for that Order might have been exercised by the said Commissioners jointly relative to the Woods, Forests, and Land Revenues, and the Office the Management and Direction whereof were so thereby assigned to the said *Charles Alexander Gore*: And whereas Doubts have been entertained as to whether such Order of the Commissioners of Her Majesty's Treasury as aforesaid is effectual for vesting the aforesaid Offices and other Offices and Duties in the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues respectively for all Purposes, and it is expedient that such Doubts be removed: And whereas it is expedient that the Provisions contained in the Eighth Section of the Act passed in the Session of Parliament held in the Eighth and Ninth Years of Her present Majesty, Chapter Ninety-nine, should be extended, and that such further Provisions relating to the Management of the Woods, Forests, and Land Revenues of the Crown should be made as are herein-after contained: Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Regulation as to  
Appointment of

I. That by virtue of the said Order the said *Thomas Francis Kennedy* and *Charles Alexander Gore* were respectively to all  
Intents

Intents and Purposes constituted Gaveller of the Forest of *Dean* and a Conservator of the River *Mersey*, and shall respectively hold and discharge the Duties of the said respective Offices so long as the said Order shall continue in force; and all Assignments or Appointments of or to the said Offices or either of them, or to any other Office whatsoever, which shall at any Time hereafter be made by the Commissioners of Her Majesty's Treasury in pursuance of the Power aforesaid, shall have the Effect of constituting the Person to whom such Assignment or Appointment shall be made the Holder of such Office during the Continuance of such Order, with Authority to exercise all the Powers thereof or belonging thereunto, and for all Intents and Purposes whatsoever.

Offices of Gaveller of Dean Forest and Conservator of the River Mersey.

II. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the Time being, at their Discretion, with the Consent of the Commissioners of Her Majesty's Treasury, to release, by Licence or Waiver in Writing, any Tenant or Lessee or Assignee of any Lease of any Lands or Hereditaments, and whether Part of the Land Revenues of the Crown or not, but which Lands or Hereditaments shall or may be subject to the Management of the last-mentioned Commissioners, from any Covenant, Condition, or Agreement contained in any Lease, Agreement for a Lease, or Agreement for a yearly or other Tenancy, either already made or granted, or hereafter to be made or granted, and whether any Breach of such Covenant or Agreement shall have been committed or not, and either absolutely, or conditionally on such Tenant, Lessee, or Assignee doing such Act or Acts, or entering into such other Covenant or Covenants, or Agreement or Agreements, or otherwise, as they the said Commissioners shall think fit; and any Covenant or Covenants, Condition or Conditions, or Agreement or Agreements, which shall be made or entered into by any such Tenant, Lessee, or Assignee as aforesaid, in consideration of any such Release as aforesaid, shall, so far as regards all Rights, Powers, and Remedies of Her Majesty, Her Heirs and Successors, or of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, for enforcing the Performance thereof, or for Re-entry for Nonperformance or Nonobservance thereof, be construed and taken as if the same were contained in the original Lease or Agreement for a Lease, or other Agreement, or otherwise, as shall be agreed on; and all other Covenants or Agreements, and Rights of Re-entry, in any such Lease or Agreement, not released, shall in all respects continue and remain in force as if there had been no such Release or Waiver, and as may be agreed on; and the Provision herein contained shall apply to all Leases or Agreements already granted by any Person or Persons whomsoever, whether being Part of the Land Revenues of the Crown or otherwise, so as the same shall at the Time of any such Licence, Release, or Waiver be under the Management and Control of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues; and the aforesaid Power may be exercised by the Commissioner for the Time being having, under the Order for the Time being of the said Commissioners of Her Majesty's Treasury, the Management of the Hereditaments comprised in any such Lease or Agreement; and the Provisions of the Fifth Section of the last-men-

Commissioners of Woods, &c., with Consent of Treasury, may release Breaches of Covenant in Lease.

tioned

tioned Act shall apply (except as far as the same are hereby altered) to any Licence or Waiver granted under the Authority of this Act.

Power for the Commissioners of Woods, &c. to apportion Rents and other Payments.

III. In all Cases where the Commissioners of Her Majesty's Woods, Forests, and Land Revenues shall be satisfied that the Owners or Persons reputed to be Owners of any Lands or Hereditaments in *England* or *Wales* charged with any Fee Farm or other Rent, or annual, periodical, or other certain Payment to Her Majesty, Her Heirs and Successors, either by express Grant, Prescription, or otherwise, have at any Time heretofore mutually agreed or shall hereafter mutually agree to apportion such Rent or other Payment upon specific Parts of the Lands or Hereditaments charged therewith, it shall be lawful for the said Commissioners, if they shall think fit, by any Writing, to make, confirm, and agree to such Apportionment, and thereupon and thenceforth every apportioned Part of such Rent or Payment shall become and be to all Intents and Purposes a Rent or Payment issuing out of the Lands or Hereditaments on or in respect of which the same is apportioned only, in like Manner in all respects as the entire Rent or Payment was theretofore issuing out of the Entirety of the Lands or Hereditaments charged therewith; and every such apportioned Part shall be in all respects saleable as Fee-farm Rents or annual Payments are now saleable; and any Person entitled in possession to the Rents and Profits of any Lands or Hereditaments charged with any such Rent or Payment, either at Law or in Equity, either in Fee, or Tail for Life, or for any Interest other than under a Lease at Rackrent, and notwithstanding any Mortgage or Charge on such Hereditaments, shall be taken and reckoned the Owner for the Purpose of joining in agreeing to any such Apportionment of any such Rent or Payment as aforesaid, or in the Confirmation of any Apportionment made or agreed on; and thereupon such Apportionment, when reduced into Writing, to be signed by the Persons agreeing thereunto, and confirmed or agreed to by the said Commissioners as aforesaid, shall, after the Enrolment in the Office of Land Revenue Records and Enrolments of any such Writing as aforesaid, be valid and binding as against Her Majesty, Her Heirs and Successors, and all other Persons, and the said Enrolment shall be conclusive Evidence that the Provisions of this Act have been complied with; and the Powers relating to the Apportionment of such Rents or Payments hereby given to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues may be exercised by the Commissioners or Commissioner for the Time being having, under the Order of the Commissioners of Her Majesty's Treasury, the Management of that Part of the Land Revenues of the Crown which may include any Rent or Payment to be so apportioned.

If Difficulties exist in making any such Apportionment the same may be made by the Inclosure Commissioners.

IV. Provided always, That in case there shall be any Doubt as to the Amount of the different Parts of the Rent or Payment which may have been agreed to be apportioned, or as to the specific Lands or Hereditaments to be charged therewith, or as to the Extent, Identity, or Boundaries of the Lands or Hereditaments charged with the entire or original Rent or Payment, or any Part thereof, or if there shall be no Person whom the said Commissioners or Commissioner for the Time being of Her Majesty's

Majesty's Woods, Forests, and Land Revenues as aforesaid shall agree to treat as Owner under the aforesaid Authority in that Behalf, or in case any other Difficulty shall arise in making any Apportionment of any such Rent or Payment as aforesaid which the Commissioners or Commissioner of Her Majesty's Woods, Forests, and Land Revenues for the Time being as aforesaid may desire to apportion on specific Parts of the Lands or Hereditaments charged therewith, then and in any of such Cases the Commissioners or Commissioner aforesaid may, if they or he shall think fit, with the Consent of the Commissioners of Her Majesty's Treasury, to be signified by some Warrant of such last-mentioned Commissioners, from Time to Time, refer it to the Inclosure Commissioners for *England* and *Wales* to make such Apportionment, and thereupon it shall be lawful for the said Inclosure Commissioners to make Inquiry into the Premises, and to make the Apportionment accordingly; and any such Reference, Inquiry, or Apportionment may be made as to any particular Rent or Payment as aforesaid, or to any Number of such Rents or Payments; and their Award under their Seal relating thereto, when confirmed by some Writing under the Hands or Hand of the said Commissioners or Commissioner of Her Majesty's Woods, Forests, and Land Revenues, and enrolled in the Office of Land Revenue Records and Enrolments, shall be binding on all Persons whomsoever, and have the same Effect in all other respects as if the same had been made, agreed, confirmed, and enrolled under the Provisions of the last Section of this Act, and the Enrolment of any such Award shall be conclusive Evidence that the Provisions of this Act have been complied with: Provided always, that if in any Case so as aforesaid referred to the aforesaid Inclosure Commissioners to make any such Apportionment as aforesaid there shall in the Opinion of the said Commissioners be any Doubt as to the Extent, Identity, or Boundaries of the Lands and Hereditaments charged with any such Rent or Payment, then the said last-mentioned Commissioners may appoint any Assistant Commissioner, or any other Officer acting under the Act passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the Reign of Her Majesty, Chapter Fifty-three, or under the Commissioners appointed by virtue of that Act, for the Purpose of inquiring into and ascertaining such Extent, Identity, or Boundaries, in all respects as the said Commissioners are by the Eighth Section of the Act passed in the Session held in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Seventy, authorized to appoint an Assistant Commissioner; and the Report of such Assistant Commissioner or other Officer, if approved of by the said Inclosure Commissioners, shall be embodied in their Award so to be made as aforesaid, and form Part thereof.

V. On any Sale, Exchange, Enfranchisement, or other Conveyance of Her Majesty's Woods, Forests, Lands, or Hereditaments made by the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, in exercise of any Power given to them in that Behalf, the Conveyance may be made subject to such Provisoes for making the same void, or other Conditions or Provisions, as may be deemed expedient by the said Commissioners or either of them.

Conveyances by the Commissioners of Woods, &c. may be subject to certain Conditions.

VI. It

The Commissioners of Woods, &c. may, with Consent of Treasury, suspend the Collection of or merge Tolls of Markets and Fairs.

VI. It shall be lawful for the Commissioners of Her Majesty's Woods, Forests, and Land Revenues at any Time or Times, with the Consent of the Commissioners of Her Majesty's Treasury, to abandon or discontinue, either permanently or for any limited Time, the Collection of any Tolls or Profits of any Markets or Fairs belonging to Her Majesty, Her Heirs or Successors, which it may be considered inexpedient to collect, and also, with such Consent as aforesaid, by any Deed or Deeds, absolutely to relinquish and extinguish all or any such Tolls or Profits, and such Power may be exercised by the Commissioner for the Time being having the Management of the Tolls or Profits of any such Market or Fair by virtue of any such Order of the Commissioners of Her Majesty's Treasury.

A Deposit of a Duplicate of any Deed to which either of the Commissioners of Woods, &c. is a Party, deemed to be sufficient Enrolment in certain Cases.

VII. All Deeds and Instruments relating to any Manors, Lordships, Messuages, Lands, Tenements, or Hereditaments in *England* or *Wales*, to which the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, are or is Parties or a Party, or expressed to be Parties or a Party, and which under and by virtue of the Provisions of the Act passed in the Session of Parliament held in the Tenth Year of the Reign of King *George* the Fourth, Chapter Fifty, or of any other Act, or any Law, Custom, or Usage, ought to be enrolled in the Office of the Auditor of the Land Revenues of the Crown, or in the Office of Land Revenue Records and Enrolments, shall and may, if the said Commissioners or Commissioner who are or is, or are or is expressed to be, Parties or a Party thereto, shall think fit so to direct, be deemed to be fully and sufficiently enrolled by the Deposit of a Duplicate thereof in the Office of Land Revenue Records and Enrolments, and the filing or making of an Entry of such Deposit by the Keeper of the said Records and Enrolments; and a Certificate under the Hand or purporting to be under the Hand of the Keeper of the Land Revenue Records and Enrolments for the Time being, endorsed or written on any such Deed or Instrument, shall be sufficient Evidence that such Duplicate has been deposited and the Entry made or filed as aforesaid, and that the said Commissioners or Commissioner of Her Majesty's Woods, Forests, and Land Revenues had directed that such Deposit and Entry should be sufficient Enrolment as aforesaid, notwithstanding the Provisions of the Act passed in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, Chapter Forty-two, or any other Act, Law, Custom, or Usage; and it shall not be necessary to give Evidence of the Handwriting of the Person signing any such Certificate as aforesaid, or of the Fact that such Person is the Keeper of Land Revenue Records and Enrolments: Provided also, that it shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to regulate and to make such Order as they may think fit concerning the Fees to be paid for or in respect of any Enrolment, or to direct that any such Enrolment shall be made without Payment of any Fee.

Certified Copies of Documents in Office of Land Revenue Records to be

VIII. Any Copy of or Extract from any Deed, Instrument, Document, or Writing, Map or Plan, which now is or at any Time hereafter shall be deposited in the Office of Land Revenue Records and Enrolments, shall at all Times hereafter be admissible in Evidence

dence in any Court of Justice, or before any Person now or hereafter having by Law or by Consent of Parties Authority to hear, receive, or examine Evidence, in every Case in which the Original of or from which any such Copy or Extract shall purport to have been made would have been admissible in Evidence, provided such Copy or Extract be signed and certified, or purport to be signed and certified, by the Keeper of Land Revenue Records and Enrolments for the Time being, as a true Copy or Extract; and it shall not be necessary to give Evidence of the Handwriting of any such Signature or Certificate, or of the Fact that the Person whose Name is affixed thereto is the Keeper of the Land Revenue Records and Enrolments; provided that if any Officer shall wilfully certify any Document as being a true Copy or Extract, knowing that the same is not a true Copy or Extract, as the Case may be, he shall be guilty of a Misdemeanor, and be liable, upon Conviction, to Imprisonment for any Term not exceeding Eighteen Months.

admissible in Evidence in Cases where the Originals would have been admissible.

IX. 'And whereas by the Act of the Fourteenth and Fifteenth Victoria, Chapter Seventy-six, intituled *An Act to extinguish the Right of the Crown to Deer in the New Forest, and to give Compensation in lieu thereof, and for other Purposes relating to the said Forest*, it is provided by Section Twenty-one, that every Person who shall object to a Claim shall deliver his Objection in Writing to the Verderers at their Meeting to receive Objections to Claims, or some Adjournment thereof, and shall deliver a Duplicate of the said Objection at the Place of Abode of the Claimant or his Agent Seven Days at least before the First Meeting of the said Verderers to receive such Objections: And whereas Doubts have been suggested whether such Duplicates, if delivered to the Claimants Seven Days before any Adjournment of the Meeting to receive Objections, will be well delivered; and to remove which Doubts be it declared and enacted, That any Duplicate of Objection to a Claim, if delivered at the Place of Abode of the Claimant or his Agent Seven Days before the Day of Delivery of such Objections to the Verderers, shall be and be held to be as valid and effectual to all Intents and Purposes as if such Duplicate had been delivered at the Place of Abode of the Claimant or his Agent Seven Days at least before the First Meeting of the said Verderers to receive Objections to Claims.

For removing Doubts regarding the Delivery of Objections to Claims under 14 & 15 Vict. c. 76.

X. 'And whereas the Exchange of Advowsons intended to be authorized by the Act passed in the Session holden in the Eleventh and Twelfth Years of Her present Majesty, Chapter Fifty-seven, has not been completed, and cannot now be completed by reason of the Death of the Person whose Assent thereto was necessary: And whereas it is expedient that such Exchange should be effected according to the Provisions of the said Act: Be it therefore enacted, That from and immediately after the passing of this Act all the Powers and Authorities expressed to be given by the said Act to the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, with reference to the Trustees or Trustee for the Time being of the Indenture of Settlement of the Fifth Day of November One thousand eight hundred and twelve, in the said Act mentioned, shall be exerciseable by the Commissioners of Her Majesty's Woods,

Power to effect Exchange of Advowsons of Yoxall and Hunningham for Advowson of Stoneleigh, provided for by Act 11 & 12 Vict. c. 57.



Woods, Forests, and Land Revenues, or any One of them, with or without Reference to the Trustees or Trustee in whom the Power of Exchange contained in an Indenture of Settlement dated the Twenty-first Day of *August* One thousand eight hundred and forty-eight, made on the Marriage of *William Henry* now Lord *Leigh*, shall for the Time being be vested, and all the Powers and Authorities by the said recited Act expressed to be given to the Trustees or Trustee for the Time being of the said Indenture of the Fifth Day of *November* One thousand eight hundred and twelve be transferred by virtue of this Act to and vested in the Trustees or Trustee in whom the Power of Exchange contained in the said Indenture of the Twenty-first Day of *August* One thousand eight hundred and forty-eight shall for the Time being be vested; and, so far as may be necessary or expedient for the Purposes of this Act, the said recited Act shall be read and shall take effect and be construed as if all Mention of and Reference to the said Indenture of Settlement of the Fifth Day of *November* One thousand eight hundred and twelve were struck out therefrom, and the said Indenture of Settlement of the Twenty-first Day of *August* One thousand eight hundred and forty-eight were mentioned or referred to in every Part of the same Act wherein any Mention of or Reference to the said first-mentioned Indenture now occurs; and when the Exchange intended to be hereby authorized shall have been effected the Advowson of the Vicarage of *Stoneleigh* shall be in all respects subject to such Rights, Estates, and Interests of all Persons whomsoever as if it had been expressly comprised in and well and effectually assured and settled by the said Indenture of the Twenty-first Day of *August* One thousand eight hundred and forty-eight.

Registry of Documents in Chancery in Scotland not necessary.

XI. That, notwithstanding the Provisions of the Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Sixty-nine, it shall not be necessary, after the passing of this Act, to register or record in the Books kept in the Office of Chancery in *Scotland* any of the Documents by the Seventh Section of the said Act directed to be registered or recorded, but a Minute or Memorandum of every such Conveyance, Deed, or other Document describing the same shall be entered in the Minute Book of the Office of Chancery in *Scotland*, and the same shall be taken to be a sufficient Compliance with the Provisions of the said Seventh Section of the last-mentioned Act.

### C A P. LXIII.

An Act to amend the Laws relating to the Valuation of rateable Property in *Ireland*. [30th June 1852.]

‘ **W**HEREAS it is expedient to make One uniform Valuation  
 ‘ of Lands and Tenements in *Ireland*, which may be used  
 ‘ for all public and local Assessments and other Rating, and for  
 ‘ this Purpose it is necessary to amend the Laws now in force for  
 ‘ the Valuation of Lands and Tenements in *Ireland*: And whereas  
 ‘ an Act was passed in the Session of Parliament holden in the  
 ‘ Ninth and Tenth Years of Her present Majesty’s Reign, Chapter  
 ‘ One hundred and ten, intituled *An Act to amend the Law re-*  
 ‘ *lating*

' *relating to the Valuation of rateable Property in Ireland*: And whereas, under the Provisions of the said Act, the Tenement Valuations of certain Counties have been made and completed for Poor Law Purposes: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

I. That the Tenement Valuation for Poor Law Purposes so made and completed in or for any County or Barony, County of a City or County of a Town, under the Provisions of the said Act, shall, anything in the said Act to the contrary notwithstanding, be in force and be used, as well for the Purposes of all County Assessments or Grand Jury Rates, or City, Town, or Parish Rates, as for the Purposes of Poor Law Assessments or Rates, but subject nevertheless to such Correction and Revision as by this Act is herein-after provided.

II. And whereas in certain Baronies and Poor Law Unions such Valuation under the Provisions of the said recited Act has been only partially made, and the primary Tenement Valuation thereof has been only so far carried on before the passing of this Act as to be printed or ready for printing: Be it enacted, That the Commissioner of Valuation shall carry on and complete, under and pursuant to the Provisions of the said recited Act, the Tenement Valuation of all Baronies or Poor Law Unions the primary Tenement Valuation of which shall have been, under the Provisions of the said Act, printed, or completed so as to be ready for printing, previous to the passing of this Act: Provided always, that such Commissioner shall not make any separate Valuation in Townlands for the Purpose of County Assessments, as by the said recited Act was directed: And provided also, that such Tenement Valuations, when completed, shall, subject to such Correction and Revision as by this Act is herein-after provided, be used and be in force, as well for all County Assessments or Grand Jury Rates, or City, Town, or Parish Rates, as for Poor Law Assessments and Rates, anything in the said recited Act to the contrary notwithstanding.

III. And, save and except so far as relates to such Valuations so wholly or partially completed as aforesaid, and to the Provisions of the said Act applicable or necessary for the final Completion of such of the said Valuations as shall have been only so partially completed as aforesaid, and the several Matters and Things relating to such Completion, and save and except as to any Matter or Thing heretofore done, the said recited Act of the Ninth and Tenth Years of the Reign of Her present Majesty shall be and is hereby repealed: Provided always, that any Valuation made under the said recited Act, or under the Act of the Sixth and Seventh Years of His late Majesty King *William* the Fourth, Chapter Eighty-four, relating to the uniform Valuation of *Ireland*, shall respectively remain in full Force and Effect, in manner aforesaid, until altered or revised under the Provisions of this Act, notwithstanding any Omission or Error in Matter of Form which may have occurred in relation thereto.

IV. In any of the Counties, Portions of Counties, Counties of Cities, or Counties of Towns, wherein a Valuation in Tenements  
15 & 16 VICT. Q rateable

Where Valuation under recited Act has been completed, the same shall be used for all public and local Assessments.

Where Valuation is only partially made, such Valuation to be completed under that Act, and used for all public and local Assessments.

Such Valuations shall be used, &c. for County Purposes.

Save as to the Completion of Valuations, 9 & 10 Vict. c. 110. repealed; but Valuations under that Act, or 6 & 7 W. 4. c. 84., shall remain in force until altered under this Act.

Where Valuation completed, Commissioner

may alter it so as to bring the whole to a uniform Scale, based on Prices in this Act.

Persons acting under recited Acts to discharge Duties till otherwise directed.

Lord Lieutenant may appoint a Commissioner to value the several Counties.

Commissioner of Valuation shall appoint Valuers, Surveyors, Writing Clerks, &c.

Lord Lieutenant may give Orders as to Conduct of Commissioners, &c.

Counties, &c. to be valued, and previous Valuations to be revised under this Act.

rateable to the Relief of the Poor has been completed as aforesaid, or shall be carried on or completed as herein-before provided, according to the Provisions of the said recited Act of the Ninth and Tenth Years of the Reign of Her present Majesty, it shall be lawful for the Commissioner of Valuation to make such Reductions and Alterations in the Valuation of the several Baronies, Parishes, Townlands, and Tenements which have been so valued as may be necessary to bring the whole to a uniform Scale of Value, based upon the Table of Prices of agricultural Produce contained in this Act, all local Circumstances in each Case being taken into consideration, and subject to the same Rules and Regulations in respect to Appeals as herein-after specified.

V. The Commissioner of Valuation and other Persons heretofore appointed or acting under the said recited Acts or any of them, in any County, shall and he and they are hereby authorized and required, notwithstanding the passing of this Act, to continue to discharge and execute their several Duties and Offices, for the Purpose of carrying this Act into execution, without any further or other Appointment thereto, until the Lord Lieutenant of Ireland shall otherwise direct.

VI. Upon the Death, Resignation, or Removal of such Commissioner of Valuation, or any other Commissioner of Valuation hereafter to be appointed under this Act, it shall and may be lawful for the Lord Lieutenant from Time to Time to nominate and appoint One fit and proper Person to be Commissioner for the several Counties in *Ireland*, to be called the Commissioner of Valuation, who shall hold such Office during the Will and Pleasure of the Lord Lieutenant, and who shall make or cause to be made a Valuation of the Tenements and Hereditaments within every Barony, Parish, or other Division in any County, when directed so to do, and shall proceed in such Valuation at such Times, and in such Manner, and under such Regulations, as such Lord Lieutenant shall order, direct, and appoint.

VII. It shall be lawful for any Commissioner of Valuation who shall be continued or appointed under this Act to nominate and appoint from Time to Time any Number of Writing Clerks and Surveyors, or any Number of Persons conversant and professionally employed in surveying and valuing Land and Houses, or, in Cases of Towns, in valuing of Houses only, to be Valuers, and to remove all or any such Persons from Time to Time, and to nominate any other Person or Persons to act in the Place and Stead of the Person so removed.

VIII. It shall be lawful for the Lord Lieutenant to give such Orders, Instructions, and Directions for the Conduct of the said Commissioner or Sub-Commissioners, Valuers, and Surveyors respectively, and for such Clerks or other Persons, in the Discharge of their several Duties under this Act, as to such Lord Lieutenant shall from Time to Time seem fitting and expedient for the due Execution of this Act.

IX. It shall be lawful for the Lord Lieutenant to direct the said Commissioner of Valuation to cause a Valuation in Townlands and Tenements to be made under this Act of every County, Part of a County, County of a City or County of a Town, the Tenement Valuation of which shall not have been then commenced, or not so far

far completed under the said recited Act as that the primary Tenement Valuation thereof shall have been printed, or ready for printing, before the passing of this Act.

X. It shall and may be lawful for any Commissioner of Valuation to be appointed or continued under this Act, and for any Valuator, Surveyors, or other Persons continued or appointed under this Act, from Time to Time to enter into and upon any Tenements or Hereditaments, for the Purpose of making or carrying on any Valuation or Revision authorized by this Act: Provided always, that in every Case in which it shall be necessary for any such Commissioner, Valuator, Surveyor, or other Person to enter any House, or any walled Garden, or Orchard or Pleasure Ground, and when the Owner or Occupier thereof shall oppose or refuse to allow such Entry, such Commissioner, Valuator, Surveyor, or other Person shall give Three Days Notice to the Owner or Occupier of such House, Garden, Orchard, or Pleasure Ground, requiring to be permitted to enter the same; and at any reasonable Time after the Delivery of such Notice it shall be lawful to make such Entry, such Commissioner, Valuator, Surveyors, or other Persons doing as little Damage as may be in the Execution of the Powers to them granted by this Act, and making reasonable Satisfaction (if required) to the Owners of and other Persons interested in any such Tenements or Hereditaments, Gardens, Orchards, or Pleasure Grounds, which shall or may be in any way hurt or damaged in or by the Execution of any of the Powers of this Act; and this Act shall be sufficient to indemnify such Commissioner, Valuator, Surveyors, or other Persons, and all Persons acting in aid or under the Orders of any of them, in the Execution of this Act.

Commissioner and Valuator may enter any Land, Houses, Gardens, &c. in execution of this Act.

XI. In every Valuation hereafter to be made, or to be carried on or completed under the Provisions of this Act, the Commissioner of Valuation shall cause every Tenement or rateable Hereditament herein-after specified to be separately valued, and such Valuation in regard to the Land shall be made upon an Estimate of the net annual Value thereof with reference to the average Prices of the several Articles of agricultural Produce herein-after specified, all peculiar local Circumstances in each Case being taken into consideration, and all Rates, Taxes, and public Charges, if any, (except Tithe Rentcharge,) being paid by the Tenant; (that is to say,)

Tenements to be valued separately upon an Estimate of the net annual Value with reference to the Prices of agricultural Produce as herein contained.

Wheat at the general average Price of Seven Shillings and Sixpence *per* Hundredweight of One hundred and twelve Pounds:

Oats at the general average Price of Four Shillings and Tenpence *per* Hundredweight of One hundred and twelve Pounds:

Barley at the general average Price of Five Shillings and Sixpence *per* Hundredweight of One hundred and twelve Pounds:

Flax at the general average Price of Forty-nine Shillings *per* Hundredweight of One hundred and twelve Pounds:

Butter at the general average Price of Sixty-five Shillings and Fourpence *per* Hundredweight of One hundred and twelve Pounds:

Beef at the general average Price of Thirty-five Shillings and Sixpence *per* Hundredweight of One hundred and twelve Pounds :

Mutton at the general average Price of Forty-one Shillings *per* Hundredweight of One hundred and twelve Pounds :

Pork at the general average Price of Thirty-two Shillings *per* Hundredweight of One hundred and twelve Pounds :

Such Valuation in regard to Houses, &c. to be made upon an Estimate of the net annual Value.

And such Valuation in regard to Houses and Buildings shall be made upon an Estimate of the net annual Value thereof; that is to say, the Rent for which, One Year with another, the same might in its actual State be reasonably expected to let from Year to Year, the probable average annual Cost of Repairs, Insurance, and other Expenses (if any) necessary to maintain the Hereditament in its actual State, and all Rates, Taxes, and public Charges, if any, (except Tithe Rentcharge,) being paid by the Tenant.

What Hereditaments are rateable.

XII. For the Purposes of this Act the following Hereditaments shall be deemed to be the rateable Hereditaments; *viz.*, all Lands, Buildings, and opened Mines; all Commons and Rights of Common, and all other Profits to be had or received or taken out of any Land; and in the Case of Land or Buildings used exclusively for public, scientific, or charitable Purposes, as herein-after specified, Half the annual Rent derived by the Owner or other Person interested in the same, so far as the same can or may be ascertained by the said Commissioner of Valuation; and all Rights of Fishery; all Canals, Navigations, and Rights of Navigation; all Railways and Tramroads; all Rights of Way and other Rights or Easements over Land, and the Tolls levied in respect of such Rights and Easements, and all other Tolls: Provided always, that no Turf Bog or Turf Bank used for the exclusive Purpose of cutting or saving Turf, or for making Turf Mould therefrom, for Fuel or Manure, shall be deemed rateable under this Act, unless a Rent or other valuable Consideration shall be payable for the same: And provided also, that no Mines which have not been opened Seven Years before the passing of this Act shall be deemed rateable until the Term of Seven Years from the Time of opening thereof shall have expired; and no Mines hereafter to be opened shall be deemed rateable until Seven Years after the same shall have been opened; and Mines *bonâ fide* re-opened after the same shall have been *bonâ fide* abandoned shall be deemed an opening of Mines within the Meaning of this Act.

All Flour Mills, &c. with their effective Water Power, to be valued.

XIII. For the Purposes of such Valuation all Mills and Buildings erected for manufacturing or other Purposes, together with the Water Power thereof, shall be included in such Valuation, provided that the Water Power of any Mill or Manufactory be only valued so far as it may be actually used, and that such Valuation shall not extend to or include the Value of any Machinery contained within such Mill or Manufactory.

Valuation not to be increased on account of Drainage or Reclamation as herein.

XIV. No Hereditament or Tenement shall be liable to be rated in respect of any Increase in the Value thereof arising from any Drainage, Reclamation, or Embankment from the Sea or any Lake or River, or any Erection of Farm, Outhouse, or Office Buildings, or any permanent agricultural Improvement as specified under the Provisions of an Act passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty,

Chapter Thirty-two, Section Four, made or executed thereon within Seven Years next before the making of such Valuation or Revision.

XV. In making out the Lists or Tables of Valuation herein-after mentioned, the Commissioner of Valuation shall distinguish all Hereditaments and Tenements, or Portions of the same, of a public Nature, or used for charitable Purposes, or for the Purposes of Science, Literature, and Fine Arts, as specified in an Act of the Sixth and Seventh Years of the Reign of Her present Majesty, Chapter Thirty-six, and the Value of the same shall be deducted from the gross Amount of the Valuation of the Hereditaments and Tenements comprised in each such List or Table; and all such Hereditaments or Tenements, or Portions of the same, so distinguished and deducted, shall for the Purposes of this Act be deemed exempt from all Assessment whatsoever so long as they shall continue to be of a public Nature, or used for the Purposes aforesaid; and the Lists, Tables, or Valuations, subject to such Deduction, shall be deemed to be the Lists, Tables, or Valuations whereby all public or local Assessments shall be levied as herein-after provided: Provided always, that Half the annual Rent derived by the Owner or other Person interested in any Tenements or Hereditaments so exempted shall be included in such Lists or Tables, so far as the same can or may be ascertained by the said Commissioner of Valuation.

Commissioner of Valuation shall distinguish all Houses of a public Nature, or used for charitable Purposes, which shall be exempted from Assessment.

Half of the Rent derived by Owner, &c. to be entered in Valuation Lists.

XVI. For the Purposes of such Valuation, no Hereditaments or Tenements, or Portions of the same, shall be deemed to be of a public Nature, or used for such charitable, scientific, or other Purposes as herein-before specified, within the Meaning of this Act, unless such Hereditaments or Tenements, or Portions of the same respectively, shall be altogether of a public Nature, or used exclusively for such charitable, scientific, or other Purposes aforesaid; and the Valuations or Exemptions in such Cases shall be subject to such and the like Appeals against the same as are herein-after provided as to Valuations in other Cases.

No Houses, &c. to be exempt unless altogether of a public Nature, or used exclusively for charitable Purposes.

XVII. When and so soon as the Valuation or Revision of Valuation of all the Hereditaments and Tenements within any County, Barony, or Poor Law Union, County of a City, County of a Town, shall be completed, the Commissioner of Valuation shall prepare and make out a List or Table of the several Hereditaments and Tenements contained in each Townland or other Denomination therein, and of their respective Valuations, signed by him the Commissioner of Valuation; and the said Commissioner of Valuation shall transmit a sufficient Number of printed or written Copies of such Lists, so signed by him, in the Form set forth in the Schedule annexed to this Act, to the Treasurer of the County, and to the Clerk of the Board of Guardians of each Union in which the Hereditaments and Tenements contained in such Schedule are situate, and to the Town Council of any City, Borough, or Town interested therein.

Lists of Valuation, &c. when complete to be sent to the Treasurer of Counties, Clerks of Boards of Guardians, and Town Councils interested.

XVIII. Every Clerk of any Board of Guardians to whom Copies of any such Lists shall be transmitted as aforesaid shall, within Three Days after the Receipt of such Lists, cause to be affixed a Notice on the principal outer Door or Gate Pier of the Church, and of any One Roman Catholic Chapel, and of any One Presbyterian

Clerk of Guardians shall post Notices thereof on Church Doors, &c. within Three Days.

Lists may be inspected.

If no Clerk, Poor Law Commissioners to appoint a Person to act.

Any Person appealing against Valuation shall send a Notice of such Appeal to the Clerk of the Guardians; who shall forward it to Commissioner of Valuation.

Commissioner of Valuation may inquire into such Appeals, and alter or amend original Valuation;

and also may alter the Valuation of any Tenement, though not appealed against.

Commissioner of Valuation to prepare Statement of Cases where original Valuation altered or refused.

terian Meeting House, if any, within every Parish or Part of a Parish (included in the Union) in which any Hereditaments or Tenements contained in such List are situate, stating the Time at which said Lists were so transmitted, and the Time and Place at which said Lists may be inspected, and shall, at all reasonable Hours on every Day, from and after the Receipt of said Lists, for Twenty-one Days then next ensuing, leave open for public Inspection at the Workhouse of the Union, and at the Station of each Party of Constabulary, if any, situate within any such Parish, Copies of the said Lists, and shall permit Extracts to be taken therefrom at all reasonable Times as aforesaid: Provided always, that in all Cases in which no Clerk shall have been appointed to the Board of Guardians of any Union, it shall be lawful for the Commissioners for administering the Laws for the Relief of the Poor in *Ireland* to appoint a Person to act in his Stead.

XIX. Within Twenty-eight Days from and after the Receipt of the said Lists by the Clerk of any Union as aforesaid any Person aggrieved by reason of the Valuation of any Tenement or rateable Hereditament, or by reason of any inaccurate Statement of Area or inaccurate Description of any Tenement or rateable Hereditament, contained in such Lists, or any other Cause whatsoever, shall send by Post or deliver to the Clerk of the Board of Guardians of the Union in which such Hereditament or Tenement is situate a Notice in Writing, duly signed by him the said Person aggrieved, or by his known Agent, setting forth the Grounds of such Grievance; and the said Clerk of the Board of Guardians shall forthwith forward said Notice to the Commissioner of Valuation at the Office in *Dublin* of the General Valuation of *Ireland*.

XX. The said Commissioner of Valuation shall, on receipt of every such Notice as aforesaid, inquire into the Subject Matter thereof, and, if necessary, direct a Valuator or Surveyor, as the Case may require, who shall not have been previously employed in making the original Valuation contained in the Lists as aforesaid, to view such Hereditament or Tenement, and investigate the Complaint stated in such Notice, and report thereon to the said Commissioner of Valuation, and should it appear to him the said Commissioner of Valuation from such Report that the Valuation or Statement of the Area of the Tenement or rateable Hereditament referred to in any of such Notices requires Amendment, the Commissioner of Valuation shall have Power to alter and amend the Valuation or Statement of the Area of the Tenement or rateable Hereditament so appealed against, and also to alter and amend the Valuation or Statement of the Area of any other Tenement or Hereditament against which there shall have been no Appeal, but which may appear to him to be similarly circumstanced with those respecting which Appeals have been made, in order to render the Valuation of every Tenement or Hereditament comprised in such List proportionate and uniform.

XXI. The Commissioner of Valuation shall make out and sign, in the Form in the Schedule annexed to this Act, a Statement of all Cases in every Townland or other Denomination in which he shall have so altered or refused to alter the Valuation or Statement of the Area of any Tenement or Hereditament, or otherwise amended the same as aforesaid, and shall transmit such List, so signed,

signed, to the Clerk of the Board of Guardians of the Union in which such Tenements are situate, who shall, within Three Days after the Receipt of said Lists, make the same public, by Notices, in the same Manner as herein-before provided as to the Publication of the primary Valuation of Tenements.

Publication by  
Clerk of Union.

**XXII.** At any Time within Twenty-one Days after the Receipt of the said last-mentioned Lists in the Form as aforesaid by the Clerk of the Board of Guardians, any Person aggrieved by the Valuation of any Tenement or Tenements contained in said List, and desiring to appeal therefrom, shall send or deliver to the Clerk of the Board of Guardians a Notice in Writing, duly signed by him the said Person aggrieved, or by his known Agent, of his Intention to appeal to the next General or Quarter Sessions of the Peace for the Division of the County, or for the County of a City or County of a Town, in which said Tenement or rateable Hereditament may be situate, stating the Ground of such Appeal; but in case the next General or Quarter Sessions as aforesaid shall commence within Forty Days after the Receipt of the said last-mentioned Lists as aforesaid by the Clerk of the Board of Guardians, such Appeals shall be made to the succeeding General or Quarter Sessions as aforesaid; and the said Clerk of the Board of Guardians of the Union in which such Property is situate shall forthwith forward the said Notice to the Commissioner of Valuation, who shall be the Respondent in the said Appeal; and the Clerk of the Board of Guardians shall cause a List of all such Notices of Appeal, with the Names of the Appellants and of the Lands which are the Subject of Appeal, to remain open for Inspection at the Workhouse of the Union; and if the Cause of Appeal shall be such as to require Alteration to be made in the Valuation of any Tenement for which any other Person or Persons is or are liable to be rated, the Appellant shall give like Notice to such other Person or Persons, who shall, if he or they so desire, be heard upon such Appeal; and within Five Days after Notice given of any such Appeal the Person appealing shall enter into a Recognizance in the Sum of Five Pounds before some Justice of the Peace, with sufficient Securities, conditioned to try such Appeal at the General or Quarter Sessions of the Peace for which such Notice shall have been given, and to abide the Order of and to pay such Costs as shall be awarded by the Court at such Sessions; and within Three Days after such Recognizance shall have been entered into, the Magistrate before whom such Recognizance shall have been entered, or Clerk of the Petty Sessions, shall send the same by Post, or shall forward the same to the Office of the Clerk of the Peace for the respective County or Place, there to remain of Record, and open for public Inspection, without Payment of any Fees.

Appeal to Quarter Sessions from the Valuation.

Notice and Proceedings.

If Appeal affects the Valuation of other Tenements, Notice to be given to Persons interested.

Persons appealing shall enter into Recognizances.

**XXIII.** The Court before which any such Appeal shall be brought as aforesaid is hereby empowered and required to hear and determine the Matter of such Appeal as stated in such Notice of Appeal, but not any other Cause or Matter of Appeal, and to hear all Parties who may be, directly or indirectly, interested in the Cause of such Appeal, and to make such Order therein as to such Court shall seem fit, and to award such Costs to the Party appealing or appealed against, or to any other Party who shall be brought

Decision of Court of Quarter Sessions to be final.



brought before the said Court on the Hearing of such Appeal, whether the Appellant shall prosecute such Appeal or not, or shall appear at the Hearing or not, as the said Court shall think proper; and upon the Hearing of any such Appeal the said last-mentioned Lists of Valuation, signed by the Commissioner of Valuation, shall be deemed to be *primâ facie* Evidence of the Correctness of the Valuations contained therein, till the contrary be shown to the Court; and the Determination of the said Court in or concerning the Premises shall be conclusive and binding on all Parties to all Intents and Purposes whatsoever: Provided always, that if the Costs of such Appeal shall be awarded against the Commissioner of Valuation, such Costs, when paid by such Commissioner, together with the necessary Costs incurred by such Commissioner in defending such Appeal, shall be deemed to be and charged as Part of the Expenses of the Valuation.

Proviso as to  
Costs awarded  
against Com-  
missioner.

Guardians to  
pay necessary  
Expenses of  
Clerk, &c. in-  
curred.

Commissioner  
of Valuation  
shall cause a  
final List to be  
printed, and send  
Copies to Clerks  
of Guardians,  
Town Councils,  
and Treasurers  
of Counties,  
where inter-  
ested.

XXIV. The Guardians of the Poor of the Union shall, out of any Funds under their Control, pay to the Clerk of the Guardians, or other Person appointed in his Stead, the reasonable Expenses which he shall have incurred in the Execution of this Act.

XXV. As soon as the Valuation of any Poor Law Union, or of any County, or Barony of any County, shall have been finally completed as herein-before provided, and, if appealed against, such Appeal shall have been determined as aforesaid, the Commissioner of Valuation shall cause a final List to be made in the Form set forth in the Schedule annexed to this Act of all the Tenements or rateable Hereditaments comprised within the several Townlands and Parishes within such County, Barony, or Poor Law Union, and Copies of the same to be transmitted to the Clerk of the Board of Guardians of such Union, and to the Town Council of any City, Town, or Borough, affected by such Valuation, and to the Treasurer of the County in which such Barony may be situate, signed by the said Commissioner of Valuation; and on the Receipt by the Treasurer of any County of such final Lists of any Barony, or of the whole Number of Baronies in such County, such Treasurer shall strike out from the Columns in such final Lists relating to Buildings the Valuations of each and every House in each Tenement and Townland, the net annual Value of which House, as therein stated, shall not exceed Five Pounds, and shall deduct the Sum of such Valuations of Houses valued under Five Pounds, and so struck out, from the total Amount of the Valuation of such respective Tenement and Townland; and the Valuation of each Tenement and Townland, after such Deduction, shall be deemed to be the Value thereof for the Purposes of County Assessments.

The County  
Rates to be  
levied according  
to such final  
Lists of Valua-  
tion.

XXVI. From and after the Commencement of the Summer Assizes next ensuing the Day on which such final Lists of the Valuation of any County shall be received by the Treasurer of such County, all County or Grand Jury Rates and Assessments then and thereafter made, presented, or ordered in or for such County, or any Townland therein, shall be levied within the respective Townlands or Townland, as the Case may be, and on such Tenements and Hereditaments therein, according to the Valuations contained in such final Lists, and upon no other, until the same shall be revised in the Manner herein-after mentioned:

Provided

Provided always, that the Adoption of such Valuation for Grand Jury Assessment in any Barony shall not alter or affect the Proportion of County Cess or Charges which by any Law or Usage may have been borne by any such Barony, as compared with any other Barony or Baronies within the same County, until the Valuation of the entire County shall have been completed: Provided also, that nothing herein contained shall be construed to prevent the Treasurer of any County from altering the Name of any Occupier in such Valuation in case of any Change of Abode or Possession, or of any Error or Omission of or in the Name of such Occupier.

XXVII. Every Rate for the Relief of the destitute Poor in every Union which shall be made after Thirty Days from the Time when the Board of Guardians of such Union shall have received such final Lists of the Valuation of all the Townlands comprised in such Union, and every Rate made by any Town Council within such Union, shall be made upon the Hereditaments and Tenements liable thereto according to the Valuation of each Hereditament or Tenement comprised in such Lists so signed and transmitted as aforesaid by the Commissioner of Valuation, until the same shall be revised in the Manner herein-after mentioned: Provided always, that nothing herein contained shall be construed to prevent the Board of Guardians, or the Town Council, or the Court at any General or Quarter Sessions on Appeal, from altering the Name of any Occupier or immediate Lessor in such Valuation, in case of any Change of Abode or Possession or of any Error or Omission of the Name of such Lessor or Occupier.

Rates made after 30 Days from the Time Guardians receive the Valuation, and by Town Council, shall be made according to such final Lists of Valuation.

Proviso.

XXVIII. So much of an Act passed in the Session of Parliament held in the First and Second Years of the Reign of Her Majesty Queen *Victoria*, Chapter Fifty-six, or of any Act or Acts amending the same, as may authorize the Court, on Appeal being made thereto, at any General or Quarter Sessions, to amend, alter, or quash any Rate, on the Ground of the net annual Value assigned therein to any Tenement or rateable Hereditament, shall not extend to or apply to any Rate for the Relief of the destitute Poor made and assessed on such Tenement or rateable Hereditament, in conformity with the Valuation thereof, signed by the Commissioner of Valuation as aforesaid.

So much of Acts 1 & 2 Vict. c. 56. &c. as authorizes Justices, &c. to quash Rate not to apply if Rate made in conformity to this Act.

XXIX. And for the Purpose of providing for the necessary Alteration and Revision of the said Tenement Valuation from Time to Time, in the Cases of those Tenements or Hereditaments the Limits whereof shall become altered, or whereof the Value shall be changed by any Building being erected thereon or thrown down or destroyed, as the Case may be, or in all Cases of Property the annual Value of which is liable to frequent Alteration, such as Fisheries, Railways, Canals, Tolls of Roads and Bridges, and Mines, be it enacted, That within Ten Days after the First Day of February in each Year after any such Valuation or revised Valuation shall have been completed and in operation, every Collector of Poor Rates within each Poor Law Union within which such Valuation shall be completed and in operation shall make out, and lay before the Board of Guardians of the Union for which he is a Collector, a List of all the Tenements or Hereditaments

Revision of Valuation to take place every Year as to certain Property altered or variable in its Nature.

Penalty on Collector for not returning List for Revision.

ments situate within every Townland in the said Union, and within his District, the Valuation of which Tenements shall require Revision for any of the Reasons aforesaid, or in respect of any Property the annual Value of which is liable to frequent Alteration as aforesaid; and if any such Collector shall fail or neglect to make out, according to the best of his Ability, and lay before the respective Board of Guardians, such last-mentioned List of Tenements and Properties, as hereby required, he shall for every such Neglect or Default be liable to a Penalty not exceeding Five Pounds; and the Clerk of the Union shall prepare from the said Lists a full and complete List of all such last-mentioned Tenements and Property, and shall for Twenty Days after receiving the said Lists leave Copies thereof open for Inspection at the Workhouse of the Union, and permit Extracts to be taken from the same; and in case of such Default as aforesaid by a Poor Law Collector, any Ratepayer within the Union may lay before the Board of Guardians a List of any Tenements the Valuation of which shall in his Opinion require Revision, which List shall be dealt with as if returned by the Poor Law Collector, and shall transmit such List, within Twenty Days from such First Day of *February*, to the Commissioner of Valuation, with the Opinion of the said Board of Guardians whether a Revision is necessary on account of such Changes or Alterations, together with the Name of a Person whom the said Board of Guardians may recommend as a fit and proper Person to revise the same.

Commissioner of Valuation shall cause a Revision to be made of such Tenements, and transmit a List to the Guardians of the Union and to the Treasurer of the County, &c.

XXX. Within One Month after the Receipt of any of the said last-mentioned Lists the said Commissioner of Valuation shall, if he shall think fit, appoint such Person so recommended, or authorize the Board of Guardians to appoint some other fit and proper Person, to revise the Valuation of the Tenements so requiring Revision, or the said Commissioner of Valuation shall himself cause a Revision to be made of the Valuation of the Tenements in the several Townlands and Parishes of the said Poor Law Union or City or Town the Limits or Value whereof shall have been altered as aforesaid, whether such Tenements or Hereditaments so altered in Limits or Value shall have been included in the said Lists or not, and also in regard to any Property the annual Value whereof is liable to frequent Alteration as aforesaid, and the Person making such Revision shall have regard to the total Valuation of the Lands, independently of Buildings, within each respective Townland or other Denomination, as finally decided on by the Commissioner of Valuation, or by the Court at any General or Quarter Sessions of the Peace as aforesaid, and shall not increase or lessen such total Valuation; and as soon as the said Revision shall have been completed the Commissioner of Valuation shall make out and prepare a List of the Tenements so revised as aforesaid, and shall sign the same, and transmit a List of such Tenements to the Guardians of the said Union, and to the Town Council of the Borough, and likewise to the Treasurer of the County, in the Form to this Act annexed; and the Clerk of such Union as aforesaid shall forthwith make the said Lists public by all and every the same Ways and Means by which the Lists of Tenements in the Form to this Act annexed are herein-before required to be made public.

XXXI. The

**XXXI.** The Owners or Occupiers of all Tenements the Area or Valuation of which shall have been altered as last aforesaid in the List signed by the Commissioner of Valuation shall have the same Powers of Appeal to the Commissioner of Valuation and to the Quarter Sessions, subject to the same Conditions and Provisions, and exercised in the same Manner and to the same Extent, as herein-before provided in regard to Appeal: Provided always, that such total Valuation of Lands as last aforesaid of any Townland shall not be increased or lessened at the Hearing of any such Appeal as aforesaid: Provided also, that when all the Appeals, if any, so taken, shall have been heard and finally determined or disposed of in manner herein-before provided, the Commissioner of Valuation shall make out and transmit Lists in the Form as aforesaid of the Tenements and Properties so finally revised to the Guardians of the Poor of the Union, and to the Town Council of the Borough, and to the Treasurer of the County, in which respectively such Tenements and Properties are situate.

Persons may appeal against such Revision, in manner herein-before provided.

**XXXII.** In every Rate to be made after Thirty Days from the Receipt of such last-mentioned finally revised List of Tenements or Hereditaments in each Year by the Board of Guardians of any Union, or Town Council, the Tenements or Hereditaments included in the said List shall be rated according to the Value thereof as set forth in the said List, in place of that specified in any former Lists, until the same shall again be revised from Time to Time in the manner herein-before last mentioned.

Rates made after 30 Days from Receipt of revised Valuation shall be made according thereto.

**XXXIII.** And from and after the Commencement of the Summer Assizes next ensuing the Day on which such finally revised Lists of the Valuation of any County or Barony in each Year shall be received by the Treasurer of such County, all Grand Jury or County Assessments and Rates shall be levied within the several Townlands, and on such Tenements and Hereditaments therein, according to the Valuations contained in such Lists, in place of those specified in any former Lists, until the same shall again be revised from Time to Time in the Manner herein-before last mentioned.

After the Receipt of Valuation List by the County Treasurer, Rates to be levied accordingly.

**XXXIV.** And for the Purpose of providing for the necessary Revision of the Valuation of the Land in consequence of Changes that may have taken place in the gross Amount of the Value of the several Townlands from Time to Time, be it enacted, That at or after the Termination of Fourteen Years from the Period of the final Completion of the first general Tenement Valuation of any Poor Law Union, County, or Barony, under the Act of the Ninth and Tenth Years of Her present Majesty, Chapter One hundred and ten, or under this Act, it shall be lawful for the Lord Lieutenant of *Ireland*, on Application by the Grand Jury of the County, if he shall think fit so to do, to direct the Commissioner of Valuation to make a general Revision of the Valuation of any such Poor Law Union, County, or Barony, and so from Time to Time at or after the Expiration of every subsequent Period of Fourteen Years from the final Completion of the preceding general Revision of the Valuation to cause a new Revision to be made, and upon each such Occasion to cause Notice to be given to the Grand Jury of such County, County of a City or County of a Town, previous to such Direction, by Letter from the Chief

New Valuation may be made every Fourteen Years after former Valuation, either under this Act or 9 & 10 Vict. c. 110., and so from Time to Time.

Secretary

Secretary of the Lord Lieutenant, addressed to the Secretary of the Grand Jury of such County, County of a City or County of a Town, and also Notice to be given to the Clerks of the Boards of Guardians of the several Unions or Parts of Unions contained within such County, and the said Commissioner shall proceed therein as in the first general Valuation or general Revision of Valuation of any County which may have been made under the Provisions of this Act; and the Grand Jury of the said County, County of a City or County of a Town, and all Officers thereof, and every public Officer or other Person duly authorized, shall perform all Acts required to be done by them or him, in the same Manner and within the same Periods as herein-before is provided for the first general Valuation or general Revision of Valuation of the said County, County of a City or County of a Town, and shall have the same Powers, Privileges, and Immunities in the Performance of their respective Duties, and the said new Valuation, when completed, shall have the same Effect and Operation, to all Intents and Purposes, as the former general Valuation or general Revision of Valuation, and shall supersede the same, and that which is hereby enacted in relation to such first general Valuation or general Revision of Valuation, and the several Proceedings relating thereto, and all Matters connected therewith, shall apply in due Course and under the same Circumstances and Conditions to such Revision of the Valuation to be made from Time to Time as aforesaid: Provided always, that at or after the Expiration of Seven Years from the passing of this Act it shall be lawful for the Lord Lieutenant, on Application by the Grand Jury of any County, to direct the Commissioner of Valuation to make a general Revision of the Valuation of any such County, either upon a Scale of the Average of the Prices of agricultural Produce in *Ireland* for the Three then preceding Years, ascertained under any Act which may then be in force in *Ireland* for ascertaining the same, or if no such Act shall have been in force in *Ireland* for such Three preceding Years, then according to the Scale of Prices of agricultural Produce contained in this Act.

For Revisions, latest Publication of Ordnance Survey to be used.

XXXV. And for the Purpose of determining the Contents of Tenements from the Detail afforded by the Ordnance Survey of *Ireland*, be it enacted, That in all Revisions of the Valuation the latest revised Publication of any of the Plans of such Ordnance Survey shall be used by the Valuers or Surveyors employed in that Behalf.

Lord Lieutenant may order a Salary, not exceeding *£l. 3s.* per Day, to be paid to Commissioner.

XXXVI. From and after the passing of this Act it shall be lawful for the Lord Lieutenant of *Ireland* to order and direct that a Salary, not exceeding the Rate of Three Guineas *per Day*, shall be paid to the Commissioner of Valuation appointed under the Authority of the said first-mentioned Act or this Act during the Time he shall be so employed, together with such Allowance for travelling and other Expenses, not to exceed One Guinea *per Day*, as may be ordered and directed by the Lord Lieutenant.

Salary not exceeding *20s.* per Day to any Sub-Commissioner while employed, with Allowance for Expenses.

XXXVII. It shall be lawful for the said Lord Lieutenant to order and direct that a Salary shall be paid to each and every Sub-Commissioner who may be employed under this Act, not exceeding the Rate of One Pound *per Day* for every Day that such Sub-Commissioner shall be employed on the hearing and determining

determining of Appeals as aforesaid, with an Allowance of Ten Shillings *per* Day to cover Hotel Expenses, together with a further Allowance of the actual travelling Expenses incurred by him while he shall be so employed as aforesaid.

XXXVIII. Every Valuator, Surveyor, Measurer, Draftsman, Writing Clerk, or other Person or Persons shall be entitled to receive for his Salary any Sum to be fixed by the Commissioner of Valuation, provided that such Sum shall in no Case exceed the Rate of Twenty Shillings *per* Day for every Day during which such Person shall be employed under the Orders of the Commissioner of Valuation, together with such Allowances to cover Hotel and travelling Expenses as may appear to such Commissioner to be fair and reasonable in each Case.

XXXIX. It shall be lawful for the Commissioners of Her Majesty's Treasury to order and direct that any such Sum or Sums of Money as they shall think proper shall be advanced quarterly from the Consolidated Fund of the United Kingdom of Great Britain and Ireland for the defraying the Salaries of the said Commissioner of Valuation, and the Allowances which shall be from Time to Time payable to the Persons employed in carrying this Act into execution; and all such Advances shall be made to such Persons, at such Times, in such Manner, and under such Rules and Regulations as shall from Time to Time be ordered and directed by such Lord Lieutenant, and as shall be signified in the usual Manner by the said Commissioners of Her Majesty's Treasury; and it shall be lawful for the Chief Secretary or Under Secretary to the Lord Lieutenant to certify to the Grand Jury of any and every County within which any such Persons shall be employed the Amount of Money which shall have been paid to the Commissioner of Valuation, and to the several Persons employed within such County in the Execution of this Act, out of the Advance authorized by this Act; and thereupon, for the Repayment of such Advances, it shall and may be lawful for the Grand Jury of any and every such County respectively, and they are hereby authorized and required, from Time to Time, to make Presentment of the Amount of such Expenses as stated in such Certificate to be raised off the County at large, or the several Baronies therein, or off any Part of a Poor Law Union therein, in such Manner and in such Proportions as the Lord Lieutenant shall direct; and when and so soon as the Sum so to be presented as aforesaid shall be raised and received by the Treasurer of any County, such Treasurer shall pay over the same to such Bank or Person as the Commissioners of Her Majesty's Treasury shall think fit to direct.

XL. Ten Days previously to the Commencement of each Assizes, the Commissioner of Valuation shall transmit to the Secretary of any Grand Jury of any County which shall be in the Course of Valuation or Revision as aforesaid a Statement of the Progress made in such Valuation or Revision, together with a Statement in detail of the Expenditure on the same up to the Period when such Return shall be made; and such Statement shall contain the Name of each Person above the Class of a daily Labourer to whom any Portion of the said Expenditure shall have been paid, the Amount paid to him, and the Salary or Purpose for which the same shall have

Valuator, &c. to be paid a Sum fixed by Commissioner, not exceeding 20s. a Day, and other Allowances.

Treasury may advance Money for paying Salaries, &c. of Commissioner of Valuation, &c.

Advances to be made to such Persons and under such Rules as Lord Lieutenant shall direct.

Amount of such Expenses to be repaid by Grand Jury Presentment.

Commissioner of Valuation to transmit Statements of Progress of Valuation and Expenses.

Penalty on Persons neglecting their Duty in the Execution of this Act, or obstructing others in Prosecution of theirs.	have been paid, and the Rate and Amount of daily Hire of any daily Labourers employed in attending the Surveyors and Valuatora.
Penalties may be recovered before Justices of the Peace.	<p>XLII. If any Clerk to any Board of Guardians, Clerk of the Peace, Secretary of a Grand Jury, Treasurer of a County, Town Clerk, or any Valuator appointed by the Commissioner of Valuation, or other Person or Persons, shall omit or neglect or refuse to do any Matter or Thing which any such Person is by this Act required and directed to do in the Execution of this Act, or if any Person shall wilfully obstruct, hinder, or prevent any Person acting in the Execution of this Act, every Person so offending shall forfeit a Sum not exceeding Ten Pounds, in the Discretion of the Justices before whom such Offender shall be convicted.</p> <p>XLIII. All Penalties and Forfeitures inflicted or imposed by this Act may be sued for and recovered in a summary Way by the Order and Adjudication of any Justice or Justices of the Peace at Petty Sessions, under and subject to the several Provisions and Regulations relating to summary Jurisdiction contained in "The Petty Sessions (<i>Ireland</i>) Act, 1851," and shall be applied in the Manner by the said Act directed.</p>
Proceedings not to be quashed for Want of Form.	<p>XLIII. No Proceedings to be had touching the Conviction of any Offender or Offenders against this Act shall be quashed for Want of Form, nor be removed nor removable by Certiorari, or any other Writ or Process whatsoever, into any of Her Majesty's Courts of Record at <i>Dublin</i>; and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons or Conviction, or in the Warrant of Distress or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers <i>ab initio</i> on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage (if any) in an Action on the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid if Tender of sufficient Amends hath been made, by or on behalf of the Party distraining, before such Action commenced.</p>
Limitation of Actions, &c.	<p>XLIV. No Action, Suit, or Proceeding shall be commenced or prosecuted against any Justice of the Peace, or any Commissioner of Valuation, or against any Valuator, or against any other Person or Persons, for anything done in pursuance of this Act, until Thirty Days Notice thereof shall be given to such Justice, or Commissioner, or Valuator, or other Person or Persons, nor after sufficient Satisfaction or Tender of Amends hath been made to the Party or Parties aggrieved, nor after the Expiration of Three Calendar Months next after the Fact committed; and every such Action or Suit or Prosecution shall be laid or brought in the County, County of a City or County of a Town, where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action, Suit, or Prosecution shall and may, at his or their Election, plead specially, or the General Issue Not Guilty, and give this Act and the special Matter in Evidence</p>
Notice.	
Tender of Amends.	
Venue.	
General Issue.	

Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if any Replevin shall be brought for any Cattle, Goods, or Chattels seized or taken by virtue or in pursuance of this present Act, it shall and may be lawful and sufficient to and for any Person or Persons who shall be Defendant or Defendants or Avowant or Avowants in any such Replevin to avow, plead, or make Cognizance generally that he or they took the same Cattle, Goods, or Chattels as a Distress by Force of the Statute in that Case made and provided, without more particularly setting forth this Act, or the Cause of making and detaining the said Distress or Distresses, or making any other special Plea, Avowry, or Cognizance, anything herein contained to the contrary notwithstanding; and if it shall appear that the Matter on which the Cause of Action arose was done, or that the Distress replevied was made, in pursuance and by Authority of this Act, or that such Action or Suit shall have been brought before Thirty Days Notice thereof was given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, County of a City or County of a Town, than as aforesaid, then the Jury shall find for the Defendant or Defendants or Avowant or Avowants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or shall discontinue his, her, or their Action, Suit, or Prosecution after the Defendant shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants or Avowant or Avowants shall recover Double Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases of Costs given by Law. General Avowry in Replevin. Costs.

XLV. In the Construction of this Act, unless there be anything in the Subject or Context repugnant to such Construction, the Words "Lord Lieutenant" shall be deemed to mean Lord Lieutenant or other Chief Governor or Governors of *Ireland*; the Word "Inhabitant" shall include every one rated to the Grand Jury Cess; the Words "Town Council" and "Council" shall include "Town Commissioners," under an Act of the Ninth Year of His late Majesty King *George* the Fourth, Chapter Eighty-two, or any Trustees or other Body empowered by Law to make local Assessments; "Clerk of the Guardians" and "Clerk" shall be understood to mean and include Clerk of the Board of Guardians of the Poor of the Union, or other Person appointed to act or acting in his Stead; and the "Court of Quarter Sessions" shall be understood to mean the Court of General or Quarter Sessions of the Peace; and the Word "Assizes" shall include "Presenting Term;" and the Word "Treasurer" shall include "Finance Committee;" and that all Provisions and Directions in this Act contained relating to Counties shall extend to all Counties, Counties of Cities, Counties of Towns, and Towns Corporate in *Ireland*; and that all the Acts and Duties by this Act required to be performed by the several Grand Juries at the Assizes for any County shall and may, in the County of *Dublin*, be performed at the Presenting Terms by the Grand Jury of the said County duly met and impanelled, and in the County of the City of *Dublin* by the Council Construction of Terms.



Council of the Borough of *Dublin*; and that all Provisions and Directions relating to Baronies shall extend to Half Baronies, and to all other Divisions of Counties being greater than Parishes, and in reference to any County of a City or County of a Town shall be deemed to mean and refer to such County of a City or County of a Town; and that all Provisions and Directions relating to Parishes shall extend to all Chapelries or Divisions of Parishes or extra-parochial Divisions; and that all Provisions and Directions relating to Townlands shall extend to all Divisions and Sub-denominations of Lands less than and being comprised within any Parish; and the Word "Tenements" shall include rateable Hereditaments; and the Word "Houses" shall include Buildings; and the Word "Towns" shall include Cities; and where any Parish or Union shall be situate in more than One County or Barony, or partly in a County and partly in a County of a City, County of a Town, or Town Corporate, the several Parts of such Parish shall be valued as a distinct Parish in the several Baronies or Counties, or Counties of Cities or Counties of Towns, or Towns Corporate, to which they shall contribute to the Payment of any County Cess Charges or Grand Jury Rate.

Till Completion  
of Valuation,  
Grand Jury may  
direct County  
Assessments to  
be made under  
Poor Law  
Valuation.

XLVI. And for the Purposes of Assessment for Grand Jury Rates in any County where neither the Townland Valuation nor the Tenement Valuation of any such County shall have been completed, under the Provisions of the Acts for the uniform Valuation of Lands and Tenements in *Ireland*, or of this Act, it shall be lawful for the Grand Jury of such County, at any Assizes, if they shall so think fit, to order and direct that all Grand Jury Rates in any Barony of such County shall be made and levied upon all Lands and Tenements therein and liable thereto according to the Valuation on which the last preceding Rate for the Relief of the Poor had been made, until the Valuation of such County or Barony shall have been completed, under the Provisions of this Act, when all such Assessments or County Rates shall be made on such Valuation as by this Act directed; and where the Townland Valuation of any County shall have been completed under the Provisions of the Acts for the uniform Valuation of Lands in *Ireland*, it shall be lawful for the Grand Jury of such County, at any Assizes, if they shall so think fit, to order and direct that all Grand Jury Rates to be raised off any Townland or Townlands by the Warrant of the Treasurer of such County shall be subdivided and levied upon all Lands and Tenements within any such Townland or Townlands and liable thereto, according to the Valuation of such Lands and Tenements on which the last preceding Rate for the Relief of the Poor had been made, until the Valuation of such County or Barony shall have been completed under the Provisions of this Act, when all such Assessments or County Rates shall be made on such Valuation as by this Act directed; and when any such Order and Direction shall have been given as aforesaid, the Valuation on which the last preceding Rate in the respective Place, from Time to Time, for the Relief of the Poor, shall have been made, shall stand in the Place and Stead and shall have like Force and Validity of any such Applotment of Grand Jury Cess as is directed by the Act of the Sixth and Seventh Years of King *William* the Fourth, Chapter One hundred and sixteen, and shall be used by the respective

respective Collector of Grand Jury Cess for applotting and assessing the same upon the several Lands and Tenements in his District of Collection, subject to like Provisions, and with like Powers with respect to levying the same, and with like Immunities relating to the same, as if the same had been duly applotted under the said Act; and the Officer or Person having the Custody of such last preceding Rate, if required and applied to by such Collector for such Purpose, shall at all convenient Times allow him or his Deputy to inspect or take a Copy of or Extracts from such Parts of the same as relate to his Collection, or in case of refusing or neglecting so to do shall be liable to a Penalty not exceeding Five Pounds for each such Neglect or Refusal.

XLVII. 'And whereas by an Act passed in the Seventh and Eighth Years of Her Majesty, intituled *An Act to consolidate and amend the Laws for the Regulation of Grand Jury Presentments in the County of Dublin*, it was enacted, that from and after the First Day of the Presenting Term next following the Publication of the Survey and Valuation of the County of *Dublin* under the Act of the Sixth and Seventh of *William* the Fourth, intituled *An Act to consolidate and amend the several Acts for the uniform Valuation of Lands and Tenements in Ireland*, all County Charges by Grand Jury Presentments in the said County of *Dublin* should be assessed and levied according to the Portions specified in the said Act: Be it enacted, That in the said County of *Dublin*, from and after the First Day of the Presenting Term next following the Day on which the printed List of the Valuation of the said County under this Act shall be received by the Secretary of the Grand Jury, it shall be lawful for the Finance Committee of the said County of *Dublin*, in making their Apportionment of all Charges under the said Act of the Seventh and Eighth Years of Her Majesty's Reign, to apportion, declare, and strike all County, Baronial, or Parochial Charges imposed by Grand Jury Presentments by a Poundage Rate upon each Barony, Parish, or Denomination in the said County of *Dublin*, according to the Valuation thereof contained in such printed List, and that all Applotments to be made under and in pursuance of any Warrants issued by the Finance Committee of said County shall be made by a Poundage Rate upon the several Tenements and Hereditaments in such Barony, Parish, or Denomination, according to the Valuation thereof contained in such printed List: Provided always, and be it enacted, that in making the Poundage Rate it shall not be necessary for the Finance Committee to adopt or take into account any smaller Fraction than One Fourth Part of a Penny in the Pound, neither shall any Rate so made be vitiated or impugned by reason of its exceeding the Sum authorized by Presentments to be raised, if the Excess shall have been created by such Fractions of not more than One Fourth of a Penny in the Pound.

XLVIII. Nothing in this Act contained shall repeal the Provisions in the "Towns Improvement Clauses Act, 1847," or in any Act incorporating the same, relative to the Management of Streets, or the Liability to Grand Jury Cess, or other Payment in respect of making or repairing Roads.

In the County of *Dublin* all County, Baronial, or Parochial Charges imposed by Grand Jury Presentments to be provided for by a Poundage Rate.

Nothing to repeal certain Provisions of 10 & 11 Vict. c. 34.





## C A P. LXIV.

An Act to continue and amend the Metropolitan Sewers Act. [30th June 1852.]

11 & 12 Vict.  
c. 112.

12 & 13 Vict.  
c. 93.

14 & 15 Vict.  
c. 75.

Land to be  
rated to District  
Sewers Rate on  
One Fourth of  
its annual Value.

Limiting  
Amount of  
Sewers Rate.

Metropolitan  
Sewers Acts  
continued till  
7th August  
1853.

Certain Pro-  
visions of  
12 & 13 Vict.  
c. 93. continued.

‘ WHEREAS an Act was passed in the Session holden in the Eleventh and Twelfth Years of Her Majesty, “to consolidate, and continue in force for Two Years and to the End of the then next Session of Parliament, the Metropolitan Commissions of Sewers,” and the said Act was limited to continue in force for Two Years next after the passing thereof, and thence to the End of the then next Session of Parliament, and such Act has been amended by an Act passed in the Session holden in the Twelfth and Thirteenth Years of Her Majesty, Chapter Ninety-three, and has been further amended and has been continued by an Act of the last Session of Parliament, Chapter Seventy-five : And whereas it is expedient to continue the said Acts for such Period as herein mentioned, and to amend the same as herein provided :’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I. Notwithstanding the Provisions of the said firstly-mentioned Act, the Occupiers of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodland, Orchard, Market Garden, Hop, Herb, Flower, Fruit, or Nursery Ground, which may be rateable to any District Sewers Rate under the said firstly-mentioned Act, or any Act amending or continuing the same, shall, in and for any such District Sewers Rate made after the passing of this Act, be assessed and charged in respect of such Land in the Proportion of One Fourth Part only of the net annual Value thereof (the net annual Value to be ascertained as provided by the said firstly-recited Act).

II. So much of the said thirdly-mentioned Act as provides that no Rate or Rates amounting to more than Threepence in the Pound shall be made by the said Commissioners shall be and the same is hereby repealed ; and in lieu thereof it shall be and is hereby provided, that, notwithstanding anything contained to the contrary in the said Acts or either of them, the District Sewers Rate shall not exceed in any One Year the Sum of Sixpence in the Pound of the net annual Value of the Property rateable thereto.

III. The said firstly-mentioned Act, as amended by the other Acts herein-before mentioned and by this Act, shall continue in force until the Seventh Day of August One thousand eight hundred and fifty-three, in like Manner as if the Time so limited had been the Time originally limited by the said firstly-mentioned Act for the Continuance thereof.

IV. Nothing herein contained shall be taken to determine or affect the Continuance after the said Seventh Day of August One thousand eight hundred and fifty-three of so much of the said Act of the Twelfth and Thirteenth Years of Her Majesty as, if this Act had not been passed, would have continued in force after the Expiration of the said firstly-mentioned Act.

## C A P. LXV.

An Act to continue and amend an Act passed in the Fourteenth Year of the Reign of Her present Majesty, to consolidate and amend the Laws relating to Friendly Societies.

[30th June 1852.]

‘ WHEREAS the Act of the Fourteenth Year of the Reign of Her present Majesty, Chapter One hundred and fifteen, will expire at the End of the present Session of Parliament, and it is expedient that the same should be amended and further ‘ continued:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

13 & 14 Vict.  
c. 115.

I. All and every the Act and Acts of Parliament passed previous to the passing of the Act of the Tenth Year of the Reign of King *George* the Fourth, Chapter Fifty-six, relating to Friendly Societies, shall, notwithstanding anything contained in the Act of the Fourteenth Year of the Reign of Her present Majesty, Chapter One hundred and fifteen, be deemed and taken to continue and be in force and to have continued and been in force from the Time of the passing of the said last-mentioned Act, as regards each and every Society established under any of the said previous Acts, or to which the same may be applicable, to such and the same Extent and in the like Manner as before and at the Time of the passing of the said Act of the Fourteenth Year of the Reign of Her present Majesty, Chapter One hundred and fifteen, except so far as any of the Provisions of the said Act respectively affect or are applicable to such Societies; but each and every Society established under any Act or Acts of Parliament relating to Friendly Societies passed previous to the passing of the said Act of the Fourteenth Year of Her present Majesty, Chapter One hundred and fifteen, may come under the Provisions of that Act, by having their Rules certified in conformity thereto, and thereupon the Provisions of the Act or Acts under which such Society has been established shall cease as to such Society, except as to any Offences committed, or Penalties or Liabilities incurred, or Bond or Security given, or Proceedings taken, under such Acts.

Acts relating to  
Friendly So-  
cieties passed  
previously to  
10 G. 4. c. 56.  
to continue in  
force as to such  
Societies.

II. The Commissioners of Her Majesty’s Treasury may allow the Registrars of Friendly Societies in *England*, *Scotland*, and *Ireland* respectively to retain out of the Fees to be received by them respectively under the said Act of the Fourteenth Year of the Reign of Her present Majesty, Chapter One hundred and fifteen, such Sum as will defray the Salary due to them respectively, and also such Sum as will defray the Expenses from Time to Time allowed by the said Commissioners for Office Rent, Salaries of Clerks, Stationery, Computation of Tables, and for such other Expenses as may be incurred by them respectively by the Authority of the said Commissioners, and the Balance, if any, shall be paid over to the Account of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; and the said Commissioners shall from Time to Time regulate the Manner in which such Fees are to be received, kept, and accounted for; and

Payment of  
Salaries and  
Expenses of  
Registrars.

if such Fees shall not in any Year be sufficient to defray such Salary and Expenses, the Balance shall be paid out of the said Consolidated Fund; and the Deficiency of the Fees to defray the Salaries and Expenses of the Office of Registrar of Friendly Societies in *England* since the passing of the said Act of the Fourteenth Year of the Reign of Her present Majesty, Chapter One hundred and fifteen, shall be paid out of the said Consolidated Fund.

Trustees of  
Friendly So-  
cieties to furnish  
Accounts to the  
Commissioners  
of the National  
Debt.

III. The Trustees of every Friendly Society established under any Act or Acts of Parliament relating to Friendly Societies which shall have deposited or which shall deposit any Portion of its Funds with the Commissioners for the Reduction of the National Debt shall furnish such Accounts and Returns relating thereto as shall from Time to Time be required by the said Commissioners; and it shall not be lawful for the said Trustees to pay any Portion of its Funds to the said Commissioners until they shall have satisfied the said Commissioners, in such Manner and by such Returns and Accounts as the said Commissioners shall require, that they are duly authorized by Law to make such Payment to the said Commissioners.

Recited Act  
further con-  
tinued.

IV. The said Act of the Fourteenth Year of the Reign of Her present Majesty, Chapter One hundred and fifteen, shall be further continued to the First Day of *October* in the Year One thousand eight hundred and fifty-three, and to the End of the then next Session of Parliament.

#### C A P. LXVI.

An Act to continue an Act of the Eleventh Year of Her present Majesty, for the better Prevention of Crime and Outrage in certain Parts of *Ireland*. [30th June 1852.]

[11 & 12 Vict. c. 2. and 13 & 14 Vict. c. 106. recited, and the former continued until 31st Aug. 1853.]

#### C A P. LXVII.

An Act to continue the Powers of applying for a Sale of Lands under the Act for facilitating the Sale and Transfer of Incumbered Estates in *Ireland*. [30th June 1852.]

‘ WHEREAS by an Act passed in the Session of Parliament holden in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, Chapter Seventy-seven, intituled *As Act further to facilitate the Sale and Transfer of Incumbered Estates in Ireland*, and by the Sixteenth Section of the said Act, it is enacted, that where Land in *Ireland*, or any such Lease as therein particularly mentioned, shall be subject to any Incumbrance, it shall be lawful for the Owner of such Land or Lease, within Three Years from the passing of the said Act, to apply to the Commissioners therein mentioned for a Sale of such Land or Lease, under the Provisions of the said Act; and by the Seventeenth Section of the said Act it is enacted, that where any Land or Lease, as therein mentioned, in *Ireland*, shall be subject to any Incumbrance, it shall be lawful for any Incumbrancer on such Land or Lease, within Three Years from the passing of the said

12 & 13 Vict.  
c. 77.

' said Act, to apply to the Commissioners therein mentioned for a Sale, under the Provisions of the said Act, of the whole or Part (as in the Judgment of the Commissioners may appear necessary) of such Land or Lease, for the Purpose of discharging the Incumbrances thereon: And whereas it is expedient that the said Periods of Three Years in the said Sections mentioned should be respectively extended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That within the Period of Four Years next after the passing of the said recited Act it shall be lawful for any Owner of any such Land or Lease as in the said Sections of the said Act mentioned, or for any Incumbrancer thereon within the Meaning of the said Act, and as therein mentioned, to apply to the said Commissioners therein mentioned for a Sale of such Land or Lease, under the Provisions and for the Purposes of the said Act; and thereupon all Orders and Proceedings by the said Act mentioned or referred to shall and may be made, had, and taken, as fully and effectually, to all Intents and Purposes, and under and subject to like Provisions, as if such Application had been made within the respective Periods of Three Years by the said Sections of the said Act limited for the making of such Application by such Owner or Incumbrancer as aforesaid.

Within the Period of Four Years from the passing of recited Act, Applications may be made for a Sale under the said Act.

### C A P. LXVIII.

An Act for the Application of certain Money accrued from Fines and Forfeitures in *Ireland* in aid of certain distressed Unions and Electoral Divisions in that Country.

[30th June 1852.]

' WHEREAS by an Act passed in the Second Year of Her Majesty, intituled *An Act for the more effectual levying of Fines, Penalties, Issues, Deodands, and Amerciaments, and of forfeited Recognizances estreated in Ireland, and for the Application and Distribution thereof*, the Amount to be received as in the said Act mentioned in respect of Fines, Penalties, Issues, Deodands, Amerciaments, and forfeited Recognizances was directed to be lodged in the Bank of *Ireland*, or in some Branch Bank thereof, to the Credit of the Paymaster of Civil Services in *Ireland*, in an Account to be entitled in the Matter of that Act, and it was thereby enacted that it should be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* in Council, so long as the Hereditary Revenues of the Crown should not be payable and paid to Her Majesty, Her Heirs and Successors, to direct from Time to Time that all or any Part of the Sums paid to the Bank of *Ireland* under the Provisions of that Act, and not already appropriated by any Act or Acts to any special Purpose, should be paid to and distributed as therein mentioned: And whereas by an Act of the Session holden in the Sixth and Seventh Years of Her Majesty, Chapter Fifty-six, the said Act of the Second Year of Her Majesty was repealed, save as to any Act, Matter, or Thing theretofore done by virtue thereof, and also save and except as to any Fines, Penalties, 1 & 2 Vict. c. 99.

' Deodands, 6 & 7 Vict. c. 56.



' Deodands, Amerciaments, Recognizances, and Issues which might have been imposed, estreated, or levied at any Time previous to the passing of the Act now in recital: And whereas a Sum of Twelve thousand three hundred and seventy-four Pounds Eighteen Shillings and Elevenpence, the unapplied Balance of the Monies lodged in the Bank of *Ireland* under the Provisions of the said Act of the Second Year of Her Majesty, remains in the Bank of *Ireland* to the Credit of the Paymaster of Civil Services in *Ireland*, in the Account directed by that Act: And whereas it is expedient that the said Sum should be applied in aid of certain distressed Unions and Electoral Divisions in *Ireland*: Be it enacted, therefore, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Unapplied Balance under 1 & 2 Vict. c. 99. to be transferred to General Rate in Aid Account under 12 & 13 Vict. c. 24.

I. It shall be lawful for the Commissioners of Her Majesty's Treasury to order all or any Part of the said Sum standing to such Credit as aforesaid in such Account as aforesaid to be transferred from the said Account to the Credit of the said Paymaster of Civil Services in the General Rate in Aid Account opened under the Act of the Session holden in the Twelfth and Thirteenth Years of Her Majesty, Chapter Twenty-four, and the Governor and Company of the Bank of *Ireland* shall transfer the same accordingly; and thereupon the Money so transferred shall and may be paid, applied, and disposed of, under Orders of the Commissioners of Her Majesty's Treasury, for the Purposes and in the Manner provided by such last-mentioned Act concerning Money standing to such last-mentioned Account.

### C A P. LXIX.

An Act to confirm certain Provisional Orders of the General Board of Health. [30th June 1852.]

' WHEREAS the General Board of Health have, in pursuance of the Public Health Act, 1848, made, published, and deposited, according to the Provisions of that Act, certain Provisional Orders mentioned in the Schedule to this Act annexed, and it is expedient that the said Orders should be confirmed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Confirming Provisional Orders of the General Board of Health.

I. That the Provisional Orders of the General Board of Health referred to in the Schedule annexed shall, from and after the passing of this Act, so far as the same are authorized by the said Public Health Act, be absolute, and be as binding and of the like Force and Effect as if the Provisions of the same had been expressly enacted in this Act.

Woolwich Dockyard, &c. exempted from Operation of Act.

II. Nothing herein contained or referred to shall sanction or authorize any Interference with the watching, paving, and lighting, or internal Regulations for the Time being of Her Majesty's Dockyard, or of any Barracks, Fortifications, Military or other Premises, under the Control or Authority of the Officers of Her Majesty's Ordnance in or near the Parish of *Woolwich*; and, notwithstanding anything

anything herein contained or referred to, it shall not be lawful for the Local Board of the said Parish, or any Person whomsoever, to enter into and upon any Land which is now or which may at any Time hereafter be vested in the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or in the Commissioners for executing the Office of Lord High Admiral of the said United Kingdom, or in the Master General or principal Officers of Her Majesty's Ordnance for the Time being, or to make, construct, or set up any Sewer, Drain, or any Work, Article, or Thing of any Description on, in, under, over, or through any such Land or the Foreshore in front of any such Land, or which may affect the same Land or Foreshore, without the previous Consent of the said Lord High Admiral, or of the said Commissioners, or the said Master General or principal Officers of Her Majesty's Ordnance, signified in Writing under the Hand of the Secretary of the Admiralty or of the Secretary of the Board of Ordnance, as the Case may be, and then according to such Plan, and in such Manner, and upon such Terms and Conditions, and under such Restrictions as may be signified in Writing; and if any such Sewer, Drain, Work, Article, or Thing be made, constructed, or set up, or be commenced to be made, constructed, or set up contrary hereto, it shall be lawful for the Lord High Admiral or the said Commissioners, or the said Master General or principal Officers of Her Majesty's Ordnance, as the Case may be, if he or they think fit, to fill up, remove, and abate the same, and restore the Site thereof to its former State and Condition at the Cost of the said Local Board.

III. The First Election of the Six Persons to be elected for and in respect of the Parish of *Walsoken*, as Members of the Local Board of Health for the District of *Wisbech and Walsoken*, for the Purposes of Main Sewerage only, which comprises the said Parish of *Walsoken*, shall take place on the Eighteenth Day of *August* in the Year of our Lord One thousand eight hundred and fifty-two.

First Election  
for Parish of  
*Walsoken*.

IV. The First Election of the Eighteen Persons to be elected to form a Part of the Local Board of Health for the District of *Woolwich*, for the Purposes of the said Public Health Act, shall take place on the Eighteenth Day of *August* in the Year of our Lord One thousand eight hundred and fifty-two; and that the Nomination of the Three Persons to be nominated by the Superintendent of Her Majesty's Dockyard, the Commanding Royal Engineer, the Storekeeper of Her Majesty's Ordnance, and the Officer in command for the Time being of the Royal Artillery in the Parish of *Woolwich* aforesaid, to form the other Members of the Local Board of Health within and for the said District for the Purposes of the said Public Health Act, shall take place on the Eighteenth Day of *August* in the Year of our Lord One thousand eight hundred and fifty-two.

First Election  
and Nomination  
of Local Board  
for *Woolwich*.

V. Nothing in the said Public Health Act, or in the Provisional Order contained in the Schedule to this Bill applying the said Act to the District of *Leamington*, shall be taken to give Power to the Local Board of Health of the said District or to any other Parties now or at any future Periods to discharge into the River *Avon*, or into the River *Leam* contiguous thereto, any Sewage or

Water contain-  
ing Sewage, &c.  
not to be dis-  
charged into the  
*Avon* without  
being filtered.

Water

Water containing Sewage, unless such Sewage or Water shall, before its Discharge into the said River or Rivers, be filtered so as to be free from noxious and offensive Matter, and shall be first certified to be free from such Matter by the General Board of Health, under their Hands and Official Seal, after Examination and Report thereon by One of their Superintending Inspectors; and that if the said Board of Health shall at any Time hereafter cease to exist, it shall be competent for Parties aggrieved by such Discharge to cause the same to be inspected, and the Nuisance to be abated, by the Order of any Two Justices of the Peace at Petty Sessions assembled in the Division of the County of *Warwick* in which the Town of *Leamington* is situated.

First Election  
of Local Board  
for *Leamington*.

VI. The First Election of the Fifteen Persons to be elected to form and constitute the Local Board of Health for the District of *Leamington* in the County of *Warwick*, for the Purposes of the said Public Health Act, shall take place on the Eighteenth Day of *August* in the Year of our Lord One thousand eight hundred and fifty-two; and the First Election of the One Person to be elected for and in respect of the Main Sewerage District described in the Schedule annexed to the Provisional Order of the General Board of Health applying the Public Health Act, 1848, to the aforesaid District of *Leamington*, and to form with the aforesaid Local Board of Health the *Leamington* Main Sewerage Local Board, for the Purposes of the above-recited Act, shall also take place on the Eighteenth Day of *August* in the Year of our Lord One thousand eight hundred and fifty-two.

Chairman at  
First Election  
for *Leamington*.

VII. At the First Election of the Local Board of Health for the District of *Leamington*, as constituted by the Order in the Schedule to this Act, in case *William Carpenter Esquire*, from Illness or other sufficient Cause, shall be unable to exercise or discharge the Powers or Duties vested in or imposed upon him by the Public Health Act and the said Order in respect of the said First Election, Mr. *John Bowen of Leamington*, Ironmonger, shall exercise and perform such of the said Duties as remain to be exercised or performed instead of *John Henry Thomas* named in the said Order; and the Notices of Qualification in the said Order mentioned shall, in default of the said *William Carpenter*, be given to the said *John Bowen* at his House in *Leamington*, instead of the said *John Henry Thomas*.

Act incorporated  
with Public Health Act.

VIII. This Act shall be deemed to be incorporated with the Public Health Act, and shall be as if this Act and the Public Health Act were One Act.

Short Title of  
Act.

IX. In citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Public Health Supplemental Act, 1852, (No. 2.)"

#### SCHEDULE to which the foregoing Act refers.

Wisbeach.  
Walsoken.  
Salisbury.

Ashby-de-la-Zouch.  
Woolwich.  
Stratford-upon-Avon.

*Leamington*.  
*Newbury*.

## C A P. LXX.

An Act for authorizing the Occupation of the House of Correction recently erected by and for the City of *London* at *Holloway* in the County of *Middlesex*.

[30th June 1852.]

**W**HEREAS the House of Correction in and for the City of *London* having been found to be too small for the proper Classification and Discipline of the Prisoners confined therein, the Mayor and Commonalty and Citizens of the said City have, out of their own Funds, and upon their own Land at *Holloway* in the County of *Middlesex*, erected a suitable Prison, in conformity with Plans approved by One of Her Majesty's Principal Secretaries of State, to the end that the same may be appropriated and used as and for a House of Correction for the said City : And whereas Doubts are entertained whether, in consequence of such House of Correction having been built out of the Funds of the Corporation of *London*, and not out of the County Rate and in manner directed by Law, the Secretary of State can deem the same to have been lawfully erected in manner required by the Act of the Fourth Year of King *George* the Fourth, Chapter Sixty-four : Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty's Secretary of State, and the Court of Mayor and Aldermen of the said City, and all other Persons whatsoever, to proceed in all respects as if the said House of Correction had been erected out of the County Rates and in all respects in manner required by the said Act, and the same shall be deemed and taken to have been lawfully erected in pursuance of the said Act, and shall be a good and valid Prison and House of Correction for the said City, to all Intents and Purposes.

Prison to be deemed to be a good and valid Prison.

## C A P. LXXI.

An Act to amend an Act of the Ninth and Tenth Years of Her present Majesty for the Embankment of a Portion of the River *Thames*.

[30th June 1852.]

**W**HEREAS by an Act of Parliament passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Thirty-nine, after reciting (amongst other things) that the Commissioners appointed by Her Majesty to inquire into and consider the most effectual Means of improving the Metropolis, and of providing increased Facilities of Communication between the same, by their Second Report, dated the Seventh Day of *May* One thousand eight hundred and forty-five, recommended to Her Majesty's favourable Consideration the Construction of an Embankment and public Road between *Battersea* and *Vauxhall* Bridges, upon the Basis of a Plan and Estimates in the said Report contained or referred to ; and reciting that such Recommendation was made

by

' by the said Commissioners on the Understanding that the whole  
 ' Cost of constructing such proposed Embankment and Roadway  
 ' was not to fall ultimately upon the Public, but that a certain  
 ' Proportion of such Cost should be contributed (either in Money  
 ' or by conveying the Land required free of Expense, or by  
 ' constructing the same Embankment and Roadway or Parts  
 ' thereof at prime Cost, or otherwise,) by certain of the Owners  
 ' of or Parties interested in the Tenements situated on the River  
 ' Frontage along which the said intended Embankment and  
 ' Roadway were to pass, in consideration of the Benefit which  
 ' would accrue therefrom to their said respective Tenements, and  
 ' that certain of such Parties were willing to contribute accord-  
 ' ingly in some of the Modes aforesaid, and that it was intended  
 ' that they should respectively enter into Agreements with the  
 ' Commissioners of Her Majesty's Woods, Forests, Land Reven-  
 ' nues, Works, and Buildings, to make such Contribution accord-  
 ' ingly, in such Sums or otherwise as the Lord High Treasurer  
 ' or the Commissioners for executing the Office of Lord High  
 ' Treasurer should approve of, and should think proper and suffi-  
 ' cient, and that no Part of the said intended Embankment and  
 ' Roadway should be commenced until after all such Agreements  
 ' as aforesaid, so approved of as aforesaid, should have been duly  
 ' executed; and also reciting that the Commissioners of Her  
 ' Majesty's Woods, Forests, Land Revenues, Works, and Build-  
 ' ings had caused Surveys, Plans, and Designs to be made of the  
 ' said intended Embankment and Roadway, in accordance with  
 ' the Recommendations contained in the said Report, and that  
 ' such Surveys, Plans, and Designs had been submitted to the  
 ' Commissioners of Her Majesty's Treasury, and had been ap-  
 ' proved of by them; it was by the Act now in recital (amongst  
 ' other things) enacted, that it should be lawful for the Lord  
 ' High Treasurer, or the Commissioners for executing the Office  
 ' of Lord High Treasurer, or any Three or more of them, for the  
 ' Purposes of the said Act, by Warrant under their or his Hands  
 ' or Hand, from Time to Time to authorize the Commissioner for  
 ' issuing Exchequer Bills for Public Works therein mentioned to  
 ' advance and lend to the Commissioners for executing the Act  
 ' now in recital any Sum or Sums of Money in Exchequer Bills,  
 ' not exceeding in the whole the Sum of One hundred and twenty  
 ' thousand Pounds, and that the Repayment of all Sums to be so  
 ' from Time to Time lent as aforesaid, with Interest as therein  
 ' mentioned, should be secured as therein mentioned, and that  
 ' when and so soon as such Agreements for Contribution as afore-  
 ' said (including an Agreement with the Governors and Company  
 ' of *Chelsea Waterworks*, who had offered to contribute upon  
 ' Terms to be arranged between the said Company and the Com-  
 ' missioners for executing the said Act now in recital,) as the  
 ' Lord High Treasurer, or the Commissioners for executing the  
 ' Office of Lord High Treasurer, for the Time being, or any  
 ' Three or more of them, should approve of, and should consider  
 ' proper and sufficient in Amount, or otherwise, should have  
 ' been made and entered into, it should be lawful for the Com-  
 ' missioners of Her Majesty's Woods, Forests, Land Revenues,  
 ' Works, and Buildings, who were thereby incorporated for the  
 ' Purpose

' Purpose of executing the Act now in recital, to construct and  
' complete an Embankment and Roadway along the North Bank  
' of the River *Thames* from *Battersea Bridge* to *Vauxhall Bridge*  
' in manner therein specified, and according to such Surveys,  
' Plans, and Designs as aforesaid: And whereas, under and by  
' virtue of the Provisions of the Act of the last Session of Par-  
' liament, Chapter Forty-two, Section Twenty-two, the Commis-  
' sioners of Her Majesty's Works and Public Buildings are now  
' substituted for the Commissioners of Her Majesty's Woods,  
' Forests, Land Revenues, Works, and Buildings, for the Purposes  
' of the said recited Act: And whereass such Agreements as  
' aforesaid have not yet been made and entered into, and the  
' same cannot be carried out without considerable Delay; and it  
' is expedient, for the Convenience and Accommodation of the  
' Public, that the Eastern Division of the said intended Embank-  
' ment and Roadway should be constructed and completed as  
' speedily as possible: May it therefore please Your Majesty  
that it may be enacted; and be it enacted by the Queen's most  
Excellent Majesty, by and with the Advice and Consent of the  
Lords Spiritual and Temporal, and Commons, in this present  
Parliament assembled, and by the Authority of the same,

I. That it shall be lawful for the Commissioners of Her Ma-  
jesty's Works and Public Buildings forthwith, or so soon as they  
shall think fit, to construct and complete so much of the Em-  
bankment and Roadway by the said recited Act authorized to be  
made as extends or will extend from *Vauxhall Bridge* on the East  
to the Sewer which forms the Western Boundary of the Gardens  
of *Chelsea Hospital* on the West, in the Manner and according to  
the Surveys, Plans, and Designs in the said recited Act specified,  
although no such Agreements as are therein mentioned shall have  
been made and entered into; and further, that all the Powers  
and Provisions in the said Act applicable to the said Embank-  
ment and Roadway thereby authorized to be made shall in all  
respects apply to that Part thereof which is hereby authorized to  
be made, as if the same was herein repeated, except that Enact-  
ment which provides that the Embankment and Roadway is not  
to be executed until such Agreements as therein mentioned shall  
have been made and entered into, and in all respects as if the said  
Powers and Provisions had been given to and made applicable to  
the Commissioners of Her Majesty's Works and Public Buildings,  
instead of the Commissioners of Her Majesty's Woods, Forests,  
Land Revenues, Works, and Buildings.

Commissioners  
of Works em-  
powered to make  
Embankment  
before entering  
into certain  
Agreements as  
directed by the  
recited Act.

II. Provided nevertheless, That nothing in this Act contained  
shall be taken to release, alter, or vary any Agreement already  
entered into or pending between the aforesaid Commissioners of  
Her Majesty's Woods, Forests, Land Revenues, Works, and Build-  
ings, or the Commissioners of Her Majesty's Works and Public  
Buildings, with any Parties whomsoever respecting the Comple-  
tion of that Portion of the said Embankment hereby authorized  
to be completed, or the remaining Part thereof by the said Act  
authorized to be made, or any Part or Parts of such Embankment.

Act not to affect  
Agreements  
already entered  
into between  
Commissioners  
of Woods, &c.  
and other  
Parties.

of Provinces to  
be chosen.

herein-after mentioned shall elect a Superintendent of such Province; and on the Termination of such Council by Expiration of the Period herein-after fixed for its Continuance, or by the previous Dissolution thereof, the Persons qualified as aforesaid shall elect the same or some other Person to be Superintendent, and so on from Time to Time; and every such Superintendent shall hold his Office until the Election of his Successor: Provided always, that it shall be lawful for the Governor of *New Zealand*, on behalf of Her Majesty, to disallow any such Election; and if such Disallowance be signified by the Governor, under the Seal of *New Zealand*, to the Speaker of such Council, at any Time within Three Months after such Election, the Office of Superintendent shall become vacant; and on any Vacancy occasioned by such Disallowance, or by the Death or Resignation of the Superintendent (such Resignation being accepted by the Governor on behalf of Her Majesty), a new Election shall in like Manner take place: Provided farther, that at any Time during the Continuance of the Office of any such Superintendent it shall be lawful for Her Majesty to remove him from such Office, on receiving an Address signed by the Majority of the Members of such Provincial Council praying for such Removal; and thereupon the like Proceedings shall be had as in the Case of any such Vacancy as above mentioned.

Governor may  
appoint Electoral  
Districts, &c.

V. It shall be lawful for the Governor, by Proclamation, to constitute within each of the said Provinces hereby established convenient Electoral Districts for the Election of Members of the Provincial Council, and of the Superintendent, and to appoint and declare the Number of Members to be elected for each such District for the Provincial Council, and to make Provision for the Registration and Revision of Lists of all Persons qualified to vote at the Elections to be holden within such Districts, and for the appointing of Returning Officers, and for issuing, executing, and returning the necessary Writs for such Elections, and for taking the Poll thereat, and for determining the Validity of all disputed Returns, and otherwise for ensuring the orderly, effective, and impartial Conduct of such Elections; and in determining the Number and Extent of such Electoral Districts, and the Number of Members to be elected for each District, regard shall be had to the Number of Electors within the same, so that the Number of Members to be assigned to any One District may bear to the whole Number of the Members of the said Council, as nearly as may be, the same Proportion as the Number of Electors within such District shall bear to the whole Number of Electors within the Limits of the Province.

Qualification of  
Members.

VI. Every Person within any Province hereby established or hereafter to be established who shall be legally qualified as an Elector, and duly registered as such, shall be qualified to be elected a Member of the Provincial Council thereof, or to be elected Superintendent thereof: Provided always, that it shall not be necessary that he reside or possess the Qualification in the particular District for which he may be elected to serve as a Member.

Qualification of  
Voters.

VII. The Members of every such Council shall be chosen by the Votes of the Inhabitants of the Province who may be qualified as herein-after mentioned; that is to say, every Man of the Age  
of

of Twenty-one Years or upwards having a Freehold Estate in possession situate within the District for which the Vote is to be given of the clear Value of Fifty Pounds above all Charges and Incumbrances, and of or to which he has been seised or entitled, either at Law or in Equity, for at least Six Calendar Months next before the last Registration of Electors, or having a Leasehold Estate in possession situate within such District, of the clear annual Value of Ten Pounds, held upon a Lease which at the Time of such Registration shall have not less than Three Years to run, or having a Leasehold Estate so situate, and of such Value as aforesaid, of which he has been in possession for Three Years or upwards next before such Registration, or being a Householder within such District occupying a Tenement within the Limits of a Town (to be proclaimed as such by the Governor for the Purposes of this Act) of the clear annual Value of Ten Pounds, or without the Limits of a Town of the clear annual Value of Five Pounds, and having resided therein Six Calendar Months next before such Registration as aforesaid, shall, if duly registered, be entitled to vote at the Election of a Member or Members for the District.

VIII. Provided always, That no Person shall be entitled to vote at any such Election who is an Alien, or who at any Time theretofore shall have been attainted or convicted of any Treason, Felony, or infamous Offence within any Part of Her Majesty's Dominions, unless he shall have received a free Pardon, or shall have undergone the Sentence or Punishment to which he shall have been adjudged for such Offence.

Aliens, and Persons convicted of certain Offences, disqualified.

IX. It shall be lawful for any Member of any Provincial Council, by Writing under his Hand, addressed to the Superintendent of the Province, to resign his Seat in the said Council; and upon the Receipt by the Superintendent of such Resignation the Seat of such Member shall become vacant.

Members may resign their Seats.

X. If any Member of any Provincial Council shall for Two successive Sessions of such Council fail to give his Attendance therein, or shall become bankrupt, or shall become an Insolvent Debtor within the Meaning of the Laws relating to Insolvent Debtors, or shall become a public Defaulter, or be attainted of Treason, or be convicted of Felony or any infamous Offence, his Seat in such Council shall thereupon become vacant.

In certain Cases Seats to become void.

XI. Any Question which shall arise respecting any Vacancy in a Provincial Council on occasion of any of the Matters aforesaid shall be heard and determined by such Council, on such Question being referred to them for that Purpose by the Superintendent of the Province, and not otherwise.

Determination of Questions as to Vacancies.

XII. Whenever it shall be established to the Satisfaction of the Superintendent that the Seat of any Member of the Provincial Council has become vacant, the Superintendent shall forthwith issue a Writ for the Election of a new Member to serve in the Place so vacated, during the Remainder of the Term of the Continuance of such Council, and no longer.

Issue of Writs for supplying Vacancies.

XIII. Every Provincial Council shall continue for the Period of Four Years from the Day of the Return of the Writs for choosing the same, and no longer: Provided always, that it shall be lawful for the Governor, by Proclamation or otherwise, sooner

Duration of Provincial Council.  
Dissolution.



to dissolve the same, whenever he shall deem it expedient so to do.

When Writs  
are to issue.

XIV. The Governor shall cause the First Writs for the Election of Members of the Provincial Council of every Province hereby established to be issued at some Time not later than Six Calendar Months next after the Proclamation of this Act in *New Zealand*; and upon the Expiration of the said Period of the Continuance of any Provincial Council, or upon the previous Dissolution thereof, the Governor shall cause Writs to be issued for the Election of Members of the ensuing Council.

Convening of  
Council.

XV. It shall be lawful for the Superintendent, by Proclamation in the Government Gazette, to fix such Place or Places within the Limits of the Province, and such Times for holding the first and every other Session of the Provincial Council, as he may think fit, and from Time to Time, in manner aforesaid, to alter and vary such Times and Places as he may judge advisable, and most consistent with general Convenience.

Prorogation.

XVI. It shall be lawful for the Superintendent to prorogue such Council from Time to Time, whenever he shall deem it expedient so to do.

A Session to be  
held every Year.

XVII. Provided always, That there shall be a Session of every Provincial Council once at least in every Year, so that a greater Period than Twelve Calendar Months shall not intervene between the last Sitting of the Council in One Session and the First Sitting of the Council in the next Session.

Superintendent  
and Provincial  
Council may  
make Laws.

XVIII. It shall be lawful for the Superintendent of each Province, with the Advice and Consent of the Provincial Council thereof, to make and ordain all such Laws and Ordinances (except and subject as herein-after mentioned) as may be required for the Peace, Order, and good Government of such Province, provided that the same be not repugnant to the Law of *England*.

Restrictions on  
Powers of  
Legislation.

XIX. It shall not be lawful for the Superintendent and Provincial Council to make or ordain any Law or Ordinance for any of the Purposes herein-after mentioned; (that is to say,)

1. The Imposition or Regulation of Duties of Customs to be imposed on the Importation or Exportation of any Goods at any Port or Place in the Province :
2. The Establishment or Abolition of any Court of Judicature of Civil or Criminal Jurisdiction, except Courts for trying and punishing such Offences as by the Law of *New Zealand* are or may be made punishable in a summary Way, or altering the Constitution, Jurisdiction, or Practice of any such Court, except as aforesaid :
3. Regulating any of the current Coin, or the Issue of any Bills, Notes, or other Paper Currency :
4. Regulating the Weights and Measures to be used in the Province or in any Part thereof :
5. Regulating the Post Offices and the Carriage of Letters within the Province :
6. Establishing, altering, or repealing Laws relating to Bankruptcy or Insolvency :
7. The Erection and Maintenance of Beacons and Lighthouses on the Coast :

8. The

8. The Imposition of any Dues or other Charges on Shipping at any Port or Harbour in the Province :
9. Regulating Marriages :
10. Affecting Lands of the Crown, or Lands to which the Title of the aboriginal native Owners has never been extinguished :
11. Inflicting any Disabilities or Restrictions on Persons of the Native Race to which Persons of European Birth or Descent would not also be subjected :
12. Altering in any way the Criminal Law of *New Zealand*, except so far as relates to the Trial and Punishment of such Offences as are now or may by the Criminal Law of *New Zealand* be punishable in a summary Way as aforesaid :
13. Regulating the Course of Inheritance of Real or Personal Property, or affecting the Law relating to Wills.

XX. Every Provincial Council shall immediately on their First Meeting, and before proceeding to the Despatch of any other Business, elect One of their Members to be the Speaker thereof, during the Continuance of such Council, which Election being confirmed by the Superintendent shall be valid and effectual; and in case of Vacancy in the said Office by Death, Resignation, or otherwise, then and so often as the same shall happen the Election shall be repeated and confirmed as aforesaid.

As to Election  
of Speaker.

XXI. The Speaker of each Provincial Council shall preside at the Meetings of such Council; but in his Absence some Member elected by the Council shall preside.

Speaker to pre-  
side.

XXII. No Provincial Council shall be competent to the Despatch of any Business, unless One Third of the whole Number of Members be present.

Quorum.

XXIII. All Questions which shall arise in any such Council shall be decided by the Majority of Votes of the Members present other than the Speaker or presiding Member; but in all Cases wherein the Votes shall be equal the Speaker or presiding Member shall have a Casting Vote.

Questions to be  
determined by  
Majority of  
Votes.

XXIV. Every Provincial Council at their First Meeting, and from Time to Time afterwards, as Occasion may require, shall prepare and adopt such Standing Rules and Orders as may be best adapted for the orderly Conduct of the Business of such Council, which Rules and Orders shall be laid before the Superintendent, and being by him approved shall then become binding and in force.

Standing Orders  
to be adopted.

XXV. It shall not be lawful for any Provincial Council to pass, or for the Superintendent to assent to, any Bill appropriating any Money to the Public Service, unless the Superintendent shall first have recommended to the Council to make Provision for the specific Service to which such Money is to be appropriated; and no such Money shall be issued or be made issuable, except by Warrants to be granted by the Superintendent.

Appropriation  
and Issue of  
Money.

XXVI. It shall be lawful for the Superintendent to transmit to the Provincial Council, for their Consideration, the Drafts of any such Laws or Ordinances as it may appear to him desirable to introduce, and all such Drafts shall be taken into consideration

Superintendent  
may transmit  
Drafts of Laws  
for Consideration  
of Council.

in such convenient Manner as in and by such Rules and Orders as aforesaid shall be in that Behalf provided.

Giving or withholding Assent to Bills.

XXVII. Every Bill passed by the Provincial Council shall be presented to the Superintendent for the Governor's Assent, and the Superintendent shall declare, according to his Discretion, (but subject nevertheless to the Provisions herein contained and to such Instructions as may from Time to Time be given him by the Governor,) that he assents to such Bill on behalf of the Governor, or that he withholds the Assent of the Governor, or that he reserves such Bill for the Signification of the Governor's Pleasure thereon; provided always, that it shall and may be lawful for the Superintendent, before declaring his Pleasure in regard to any Bill so presented to him, to make such Amendments in such Bill as he thinks needful or expedient, and to return such Bill with such Amendments to such Council, and the Consideration of such Amendments by such Council shall take place in such convenient Manner as shall in and by the Rules and Orders aforesaid be in that Behalf provided; provided also, that all Bills altering or affecting the Extent of the several Electoral Districts which shall be represented in the Provincial Council, or establishing new or other such Electoral Districts, or altering the Number of the Members of such Council to be chosen by the said Districts respectively, or altering the Number of the Members of such Council, or altering the Limits of any Town or establishing any new Town, shall be so reserved as aforesaid.

Copies of Bills assented to to be sent to Governor.

XXVIII. Whenever any Bill shall have been assented to by the Superintendent as aforesaid, the Superintendent shall forthwith transmit to the Governor an authentic Copy thereof.

Disallowance of Bills assented to.

XXIX. It shall be lawful for the Governor at any Time within Three Months after any such Bill shall have been received by him to declare by Proclamation his Disallowance of such Bill, and such Disallowance shall make void and annul the same from and after the Day of the Date of such Proclamation or any subsequent Day to be named therein.

No Bill to have any Force until assented to by Governor.

XXX. No Bill which shall be reserved for the Signification of the Assent of the Governor shall have any Force or Authority within the Province until the Superintendent shall signify either by Speech or Message to the Provincial Council, or by Proclamation in the Government Gazette, that such Bill has been laid before the Governor, and that the Governor has assented to the same; and an Entry shall be made in the Journals of the Provincial Council of every such Speech, Message, or Proclamation, and a Duplicate thereof, duly attested, shall be delivered to the Registrar of the Supreme Court, or other proper Officer, to be kept among the Records of the Province; and no Bill which shall be so reserved as aforesaid shall have any Force or Authority within the Province unless the Assent of the Governor thereto shall have been so signified as aforesaid within Three Months next after the Day on which such Bill shall have been presented to the Superintendent for the Governor's Assent.

Governor may transmit Instructions to Superintendent

XXXI. It shall be lawful for the Governor from Time to Time to transmit to the Superintendent of any Province, for his Guidance in assenting to or withholding Assent from Bills, or reserving the same for the Signification of the Governor's Pleasure thereon, such

such Instructions as to the Governor shall seem fit, and it shall be the Duty of the Superintendent to act in obedience to such Instructions.

XXXII. There shall be within the Colony of *New Zealand* a General Assembly, to consist of the Governor, a Legislative Council, and House of Representatives.

XXXIII. For constituting the Legislative Council of *New Zealand* it shall be lawful for Her Majesty before the Time to be appointed for the First Meeting of the General Assembly, by an Instrument under Her Royal Sign Manual, to authorize the Governor in Her Majesty's Name to summon to the said Legislative Council such Persons, being not less in Number than Ten, as Her Majesty shall think fit; and it shall also be lawful for Her Majesty from Time to Time in like Manner to authorize the Governor to summon to the said Legislative Council such other Person or Persons as Her Majesty shall think fit, either for supplying any Vacancy or Vacancies or otherwise, and every Person who shall be so summoned shall thereby become a Member of the said Legislative Council: Provided always, that no Person shall be summoned to such Legislative Council who shall not be of the full Age of Twenty-one Years, and a natural born Subject of Her Majesty, or a Subject of Her Majesty naturalized by Act of Parliament, or by an Act of the Legislature of *New Zealand*.

XXXIV. Every Member of the Legislative Council of *New Zealand* shall hold his Seat therein for the Term of his Life, subject nevertheless to the Provisions herein-after contained for vacating the same.

XXXV. It shall be lawful for any Member of the said Legislative Council, by Writing under his Hand addressed to the Governor, to resign his Seat in the said Council, and upon such Resignation and Acceptance thereof by the Governor the Seat of such Member shall become vacant.

XXXVI. If any Legislative Councillor of *New Zealand* shall for Two successive Sessions of the General Assembly, without the Permission of Her Majesty or of the Governor, signified by the said Governor to the Legislative Council, fail to give his Attendance in the said Legislative Council, or shall take any Oath or make any Declaration or Acknowledgment of Allegiance, Obedience, or Adherence to any Foreign Prince or Power, or shall do, concur in, or adopt any Act whereby he may become a Subject or Citizen of any Foreign State or Power, or become entitled to the Rights, Privileges, or Immunities of a Subject or Citizen of any Foreign State or Power, or shall become bankrupt, or shall become an Insolvent Debtor within the Meaning of the Laws relating to Insolvent Debtors, or shall become a public Defaulter, or be attainted of Treason, or be convicted of Felony or any infamous Crime, his Seat in such Council shall thereby become vacant.

XXXVII. Any Question which shall arise respecting any Vacancy in the said Legislative Council on occasion of any of the Matters aforesaid shall be referred by the Governor to the said Legislative Council, to be by the said Legislative Council heard and determined: Provided always, that it shall be lawful, either for the Person respecting whose Seat such Question shall have

as to reserving  
Bills.

Establishment  
of a General  
Assembly.

Appointment of  
Members of the  
Legislative  
Council.

Legislative  
Councillors may  
hold Seat for  
Life.

Resignation of  
Seat in Council.

Causes by which  
Seat may be  
vacated.

Trial of Ques-  
tion whether  
Seats are va-  
cated.

arisen, or for Her Majesty's Attorney General for *New Zealand* on Her Majesty's Behalf, to appeal from the Determination of the said Council in such Case to Her Majesty, and the Judgment of Her Majesty given with the Advice of Her Privy Council thereon shall be final and conclusive to all Intents and Purposes.

Appointment  
of Speaker of  
Legislative  
Council.

XXXVIII. The Governor shall have Power and Authority from Time to Time to appoint One Member of the said Legislative Council to be Speaker of such Council, and to remove him and appoint another in his Stead.

Quorum, &c.

XXXIX. The Presence of at least Five Members of the said Legislative Council, including the Speaker, shall be necessary to constitute a Meeting for the Exercise of its Powers; and all Questions which shall arise in the said Legislative Council shall be decided by a Majority of Votes of the Members present other than the Speaker, and when the Votes shall be equal the Speaker shall have the Casting Vote.

Power to sum-  
mon a House of  
Representatives  
by Proclamation  
in Her Majesty's  
Name.

XI. For the Purpose of constituting the House of Representatives of *New Zealand* it shall be lawful for the Governor, within the Time herein-after mentioned, and thereafter from Time to Time as Occasion shall require, by Proclamation in Her Majesty's Name, to summon and call together a House of Representatives in and for *New Zealand*, such House of Representatives to consist of such Number of Members, not more than Forty-two nor less than Twenty-four, as the Governor shall by Proclamation in that Behalf direct and appoint; and every such House of Representatives shall, unless the General Assembly shall be sooner dissolved, continue for the Period of Five Years from the Day of the Return of the Writs for choosing such House, and no longer.

Power to Go-  
vernor by Pro-  
clamation to  
constitute Elec-  
toral Districts,  
&c. for Election  
of Members of  
House of Re-  
presentatives.

XLI. It shall be lawful for the Governor by Proclamation to constitute within *New Zealand* convenient Electoral Districts for the Election of Members of the said House of Representatives, and to appoint and declare the Number of such Members to be elected for each such District, and to make Provision (so far as may be necessary beyond the Provision which may be made for the like Purposes in relation to Elections for Provincial Councils) for the Registration and Revision of Lists of all Persons qualified to vote at the Elections to be holden within such Districts, and also Provision for the appointing of Returning Officers, and for issuing, executing, and returning the necessary Writs for Elections of Members of the House of Representatives, and for taking the Poll thereat, and otherwise for ensuring the orderly, effective, and impartial Conduct of such Elections; and in determining the Number and Extent of such Electoral Districts, and the Number of Members to be elected for each District, regard shall be had to the Number of Electors within the same, so that the Number of Members to be assigned to any One District may bear to the whole Number of the Members of the House of Representatives, as nearly as may be, the same Proportion as the Number of Electors within such District shall bear to the whole Number of Electors in *New Zealand*.

Qualification of  
Voters for Mem-  
bers of House of  
Representatives.

XLII. The Members of the said House of Representatives to be chosen in every Electoral District appointed for that Purpose shall be chosen by the Votes of the Inhabitants of *New Zealand* who shall possess within such District the like Qualifications which,

which, when possessed within an Electoral District appointed for the Election of Members of a Provincial Council, would entitle Inhabitants of the Province to vote in the Election of Members of the Provincial Council thereof, and who shall be duly registered as Electors; and every Person legally qualified as such Elector shall be qualified to be elected a Member of the said House.

XLIII. The Governor shall cause the First Writs for the Election of Members of the said House of Representatives to be issued at some Time not later than Six Calendar Months next after the Proclamation of this Act in *New Zealand*; and upon the Expiration of the said Period of the Continuance of the House of Representatives, or upon the previous Determination of such House by the Dissolution of the General Assembly, the Governor shall cause Writs to be issued for the Election of Members of the ensuing House of Representatives.

First Writs to be issued within Six Months.

XLIV. The General Assembly of *New Zealand* shall be holden at any Place and Time within *New Zealand* which the Governor shall from Time to Time by Proclamation for that Purpose appoint; and the Time so to be appointed for the first holding of such General Assembly shall be as soon as conveniently may be after the Return of the First Writs for the Election of Members of the said House of Representatives; and the Governor may at his Pleasure prorogue or dissolve the General Assembly.

Time and Place of holding the General Assembly.

XLV. The said House of Representatives shall, until Provision be otherwise made in that Behalf by Law, be Judges, without Appeal, of the Validity of the Election of each Member thereof.

Prorogation and Dissolution. Disputed Elections.

XLVI. No Member of the said Legislative Council or House of Representatives shall be permitted to sit or vote therein until he shall have taken and subscribed the following Oath before the Governor, or before some Person or Persons authorized by him to administer such Oath:

No Member to sit or vote until he has taken the Oath of Allegiance.

‘ I A.B. do sincerely promise and swear, That I will be faithful and bear true Allegiance to Her Majesty Queen *Victoria*.  
‘ So help me GOD.’

XLVII. Every Person authorized by Law to make his solemn Affirmation or Declaration instead of taking an Oath may make such Affirmation or Declaration in lieu of the said Oath.

Affirmation or Declaration instead of Oath.

XLVIII. The said House of Representatives shall immediately on their First Meeting proceed to the Choice of One of their Members as their Speaker during the Continuance of the said House, which Choice, being confirmed by the Governor, shall be valid and effectual, and in case of Vacancy of the Office by Death, Resignation, or otherwise, then and so often as the same shall happen the Choice shall be repeated and confirmed as aforesaid.

Speaker to be elected on First Meeting of House of Representatives.

XLIX. It shall be lawful for any Member of the said House of Representatives, by Writing under his Hand addressed to the Speaker of the said House, to resign his Seat in the said House, and upon such Resignation the Seat of such Member shall become vacant.

Resignation of Seats.

L. If any Member of the said House of Representatives shall for One whole Session of the General Assembly, without the Permission of such House, fail to give his Attendance in the said House, or shall take any Oath or make any Declaration or Ac-

Vacating of Seats in certain Cases.

knowledge of Allegiance, Obedience, or Adherence to any Foreign Prince or Power, or do or concur in or adopt any Act whereby he may become a Subject or Citizen of any Foreign State or Power, or become entitled to the Rights, Privileges, or Immunities of a Subject of any Foreign State or Power, or shall become bankrupt, or shall become an Insolvent Debtor within the Meaning of the Laws relating to Insolvent Debtors, or shall become a public Defaulter, or be attainted of Treason, or be convicted of Felony or any infamous Crime, his Seat in such House shall thereby become vacant.

Election to take place on Vacancies.

LI. When and so often as a Vacancy shall occur as aforesaid in any Seat in the said House of Representatives, it shall and may be lawful for such House to address the Governor, stating the Existence of such Vacancy and the Cause thereof, and the Governor, upon receiving such Address, shall cause a Writ to be issued for supplying such Vacancy.

Standing Rules and Orders to be made.

LII. The said Legislative Council and House of Representatives at the First Sitting of each respectively, and from Time to Time afterwards as there shall be Occasion, shall prepare and adopt such Standing Rules and Orders as shall appear to the said Council and House of Representatives respectively best adapted for the orderly Conduct of the Business of such Council and House respectively, and for the Manner in which such Council and House respectively shall be presided over in case of the Absence of the Speaker, and for the Mode in which such Council and House shall confer, correspond, and communicate with each other relative to Votes or Bills passed by or pending in such Council and House respectively, and for the Manner in which Notices of Bills, Resolutions, and other Business intended to be submitted to such Council and House respectively at any Session thereof may be published in the Government Gazette or otherwise for general Information for some convenient Space or Time before the Meeting of such Council and House respectively, and for the proper framing, entitling, and numbering of the Bills to be introduced into and passed by the said Council and House of Representatives, all of which Rules and Orders shall by such Council and House respectively be laid before the Governor, and being by him approved shall become binding and of force, but subject nevertheless to the Confirmation or Disallowance of Her Majesty in manner herein-after provided respecting the Acts to be made by the Governor with the Advice and Consent of the said Legislative Council and House of Representatives; provided that no such Rule or Order shall be of force to subject any Person, not being a Member or Officer of the Council or House to which it relates, to any Pain, Penalty, or Forfeiture.

Power of General Assembly to make Laws.

LIII. It shall be competent to the said General Assembly (except and subject as herein-after mentioned) to make Laws for the Peace, Order, and good Government of *New Zealand*, provided that no such Laws be repugnant to the Law of *England*; and the Laws so to be made by the said General Assembly shall control and supersede any Laws or Ordinances in anywise repugnant thereto which may have been made or ordained prior thereto by any Provincial Council; and any Law or Ordinance made or ordained by any Provincial Council in pursuance of the Authority hereby

hereby conferred upon it, and on any Subject whereon under such Authority as aforesaid it is entitled to legislate, shall, so far as the same is repugnant to or inconsistent with any Act passed by the General Assembly, be null and void.

LIV. It shall not be lawful for the House of Representatives or the Legislative Council to pass, or for the Governor to assent to any Bill appropriating to the Public Service any Sum of Money from or out of Her Majesty's Revenue within *New Zealand*, unless the Governor on Her Majesty's Behalf shall first have recommended to the House of Representatives to make Provision for the specific Public Service towards which such Money is to be appropriated, and (save as herein otherwise provided) no Part of Her Majesty's Revenue within *New Zealand* shall be issued except in pursuance of Warrants under the Hand of the Governor directed to the public Treasurer thereof.

As to the Appropriation and Issue of Money.

LV. It shall and may be lawful for the Governor to transmit by Message to either the said Legislative Council or the said House of Representatives for their Consideration the Drafts of any Laws which it may appear to him desirable to introduce, and all such Drafts shall be taken into consideration in such convenient Manner as shall in and by the Rules and Orders aforesaid be in that Behalf provided.

Governor may transmit Drafts of Laws to either House.

LVI. Whenever any Bill which has been passed by the said Legislative Council and House of Representatives shall be presented for Her Majesty's Assent to the Governor, he shall declare according to his Discretion, but subject nevertheless to the Provisions contained in this Act and to such Instructions as may from Time to Time be given in that Behalf by Her Majesty, Her Heirs or Successors, that he assents to such Bill in Her Majesty's Name, or that he refuses his Assent to such Bill, or that he reserves such Bill for the Signification of Her Majesty's Pleasure thereon; provided always, that it shall and may be lawful for the Governor, before declaring his Pleasure in regard to any Bill so presented to him, to make such Amendments in such Bill as he thinks needful or expedient, and by Message to return such Bill with such Amendments to the Legislative Council or the House of Representatives as he shall think the more fitting, and the Consideration of such Amendments by the said Council and House respectively shall take place in such convenient Manner as shall in and by the Rules and Orders aforesaid be in that Behalf provided.

Governor may assent to, refuse Assent, or reserve Bills.

LVII. It shall be lawful for Her Majesty, with the Advice of Her Privy Council, or under Her Majesty's Signet and Sign Manual, or through One of Her Principal Secretaries of State, from Time to Time to convey to the Governor of *New Zealand* such Instructions as to Her Majesty shall seem meet, for the Guidance of such Governor, for the Exercise of the Powers hereby vested in him of assenting to or dissenting from or for reserving for the Signification of Her Majesty's Pleasure Bills to be passed by the said Legislative Council and House of Representatives; and it shall be the Duty of such Governor to act in obedience to such Instructions.

Governor to conform to Instructions transmitted by Her Majesty.

LVIII. Whenever any Bill which shall have been presented for Her Majesty's Assent to the Governor shall by such Governor have been assented to in Her Majesty's Name, he shall by the first

As to Disallowance by Her Majesty of Bills assented to by the Governor.



first convenient Opportunity transmit to One of Her Majesty's Principal Secretaries of State an authentic Copy of such Bill so assented to ; and it shall be lawful, at any Time within Two Years after such Bill shall have been received by the Secretary of State, for Her Majesty, by Order in Council, to declare Her Disallowance of such Bill ; and such Disallowance, together with a Certificate under the Hand and Seal of the Secretary of State certifying the Day on which such Bill was received as aforesaid, being signified by the Governor to the said Legislative Council and House of Representatives by Speech or Message, or by Proclamation in the Government Gazette, shall make void and annul the same from and after the Day of such Signification.

No reserved Bill to have any Force until assented to by Her Majesty.

LIX. No Bill which shall be reserved for the Signification of Her Majesty's Pleasure thereon shall have any Force or Authority within *New Zealand* until the Governor shall signify, either by Speech or Message to the said Legislative Council and House of Representatives, or by Proclamation, that such Bill has been laid before Her Majesty in Council, and that Her Majesty has been pleased to assent to the same ; and an Entry shall be made in the Journals of the said Legislative Council and House of Representatives of every such Speech, Message, or Proclamation, and a Duplicate thereof, duly attested, shall be delivered to the Registrar of the Supreme Court, or other proper Officer, to be kept among the Records of *New Zealand* ; and no Bill which shall be so reserved as aforesaid shall have any Force or Authority within *New Zealand*, unless Her Majesty's Assent thereto shall have been so signified as aforesaid within the Space of Two Years from the Day on which such Bill shall have been presented for Her Majesty's Assent to the Governor as aforesaid.

Acts to be printed.

LX. The Governor shall cause every Act of the said General Assembly which he shall have assented to in Her Majesty's Name to be printed in the Government Gazette for general Information, and such Publication by such Governor of any such Act shall be deemed to be in Law the Promulgation of the same.

Duties not to be levied on Supplies for Troops, nor any Dues, &c. inconsistent with Treaties.

LXI. It shall not be lawful for the said General Assembly to levy any Duty upon Articles imported for the Supply of Her Majesty's Land or Sea Forces, or to levy any Duty, impose any Prohibition or Restriction, or grant any Exemptions, Bounty, Drawback, or other Privilege upon the Importation or Exportation of any Articles, or to impose any Dues or Charges upon Shipping contrary to or at variance with any Treaty or Treaties concluded by Her Majesty with any Foreign Power.

Expenses of Collection of Revenue.

LXII. The Governor is hereby authorized and required to pay out of the Revenue arising from Taxes, Duties, Rates, and Imposts levied under any Act or Acts of the said General Assembly, and from the Disposal of Waste Lands of the Crown, all the Costs, Charges, and Expenses incident to the Collection, Management, and Receipt thereof ; also to pay out of the said Revenue arising from the Disposal of Waste Lands of the Crown such Sums as may become payable under the Provisions herein-after contained for or on account of the Purchase of Land from aboriginal Natives, or the Release or Extinguishment of their Rights in any Land, and such Sums as may become payable to the *New Zealand Company* under the Provisions of this Act in respect of the Sale or Alienation

tion of Land : Provided always, that full and particular Accounts of all such Disbursements shall from Time to Time be laid before the said Legislative Council and House of Representatives.

LXIII. All Costs, Charges, and Expenses of or incident to the Collection, Management, and Receipt of Duties of Import and Export shall be regulated and audited in such Manner as shall be directed by the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain and Ireland*, and all such Costs, Charges, and Expenses in relation to other Branches of the said Revenue shall be regulated and audited in such Manner as shall be directed by Laws of the said General Assembly.

Audit of Accounts.

LXIV. There shall be payable to Her Majesty, every Year, out of the Revenue arising from such Taxes, Duties, Rates, and Imposts, and from the Disposal of such Waste Lands of the Crown in *New Zealand*, the several Sums mentioned in the Schedule to this Act ; such several Sums to be paid for defraying the Expenses of the Services and Purposes mentioned in such Schedule, and to be issued by the Treasurer of *New Zealand* in discharge of such Warrants as shall be from Time to Time directed to him under the Hand and Seal of the Governor ; and the said Treasurer shall account to Her Majesty for the same through the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain and Ireland*, in such Manner and Form as Her Majesty shall be graciously pleased to direct.

Grants for Civil and Judicial Services.

LXV. It shall be lawful for the General Assembly of *New Zealand*, by any Act or Acts, to alter all or any of the Sums mentioned in the said Schedule, and the Appropriation of such Sums to the Services and Purposes therein mentioned ; but every Bill which shall be passed by the said Legislative Council and House of Representatives altering the Salary of the Governor, or altering the Sum described as for native Purposes, shall be reserved for the Signification of Her Majesty's Pleasure thereon, and until and subject to such Alteration by Act or Acts as aforesaid the Salaries of the Governor and Judges shall be those respectively set against their several Offices in the said Schedule ; and Accounts in detail of the Expenditure of the several Sums for the Time being appropriated under this Act, or such Act or Acts as aforesaid of the said General Assembly, to the several Services and Purposes mentioned in the said Schedule, shall be laid before the said Legislative Council and House of Representatives within Thirty Days next after the Beginning of the Session after such Expenditure shall have been made : Provided always, that it shall not be lawful for the said General Assembly, by any such Act as aforesaid, to make any Diminution in the Salary of any Judge to take effect during the Continuance in Office of any Person being such Judge at the Time of the passing of such Act.

How the Appropriation of Sums granted may be varied.

LXVI. After and subject to the Payments to be made under the Provisions herein-before contained, all the Revenue arising from Taxes, Duties, Rates, and Imposts levied in virtue of any Act of the General Assembly, and from the Disposal of Waste Lands of the Crown, under any such Act made in pursuance of the Authority herein contained, shall be subject to be appropriated to such specific Purposes as by any Act of the said General Assembly shall be prescribed in that Behalf ; and the Surplus of such

Appropriation of Revenue.

such Revenue which shall not be appropriated as aforesaid shall be divided among the several Provinces for the Time being established in *New Zealand* under or by virtue of this Act, in the like Proportions as the gross Proceeds of the said Revenue shall have arisen therein respectively, and shall be paid over to the respective Treasuries of such Provinces for the public Uses thereof, and shall be subject to the Appropriation of the respective Provincial Councils of such Provinces.

Power to General Assembly to alter Electoral Districts and Number of Members of House of Representatives, &c.

LXVII. It shall be lawful for the said General Assembly, by any Act or Acts, from Time to Time, to establish new Electoral Districts for the Purpose of electing Members of the said House of Representatives, to alter the Boundaries of Electoral Districts for the Time being existing for such Purposes, to alter and appoint the Number of Members to be chosen for such Districts, to increase the whole Number of Members of the said House of Representatives, and to alter and regulate the Appointment of Returning Officers, and make Provision in such Manner as they may deem expedient for the Issue and Return of Writs for the Election of the Members of such House, and the Time and Place of holding such Elections, and for the Determination of contested Elections for such House.

Power to General Assembly to make other Alterations in the Constitution of the House of Representatives.

LXVIII. It shall be lawful for the said General Assembly, by any Act or Acts, to alter from Time to Time any Provisions of this Act and any Laws for the Time being in force concerning the Election of Members of the said House of Representatives, and the Qualification of Electors and Members; provided that every Bill for any of such Purposes shall be reserved for the Signification of Her Majesty's Pleasure thereon, and a Copy of such Bill shall be laid before both Houses of Parliament for the Space of Thirty Days at the least before Her Majesty's Pleasure thereon shall be signified.

Power to General Assembly to constitute Provinces, and alter the Provisions concerning Election of Members, &c.

LXIX. It shall be lawful for the said General Assembly, by any Act or Acts from Time to Time, to constitute new Provinces in *New Zealand*, to direct and appoint the Number of Members of which the Provincial Councils thereof shall consist, and to alter the Boundaries of any Provinces for the Time being existing, and to alter the Provisions of this Act and any Laws for the Time being in force respecting the Election of Members of the Provincial Councils, the Powers of such Councils, and the Distribution of the said surplus Revenue between the several Provinces of *New Zealand*; provided always, that any Bill for any of the said Purposes shall be reserved for the Signification of Her Majesty's Pleasure thereon.

Her Majesty may establish Municipal Corporations.

LXX. It shall be lawful for Her Majesty, in and by any Letters Patent to be issued under the Great Seal of the United Kingdom, from Time to Time, to constitute and establish within any District or Districts of *New Zealand* One or more Municipal Corporation or Corporations, and to grant to any such Corporation all or any of the Powers which, in pursuance of the Statutes in that Behalf made and provided, it is competent to Her Majesty to grant to the Inhabitants of any Town or Borough in *England* and *Wales* incorporated in virtue of such Statutes or any of them, and to qualify and restrict the Exercise of any such Powers in such and the same Manner as, by the Statutes aforesaid or any of them,

them, Her Majesty may qualify or restrict the Exercise of any such Powers as aforesaid in *England*: Provided always, that all Provisions of any such Letters Patent, and all Byelaws or Regulations made by any such Corporation, shall be subject to Alteration or Repeal by any Ordinance or Act of the Provincial Council for the Province in which any such Corporation may be established, or of the General Assembly, according to their respective Powers herein-before declared.

LXXI. 'And whereas it may be expedient that the Laws, Customs, and Usages of the aboriginal or native Inhabitants of *New Zealand*, so far as they are not repugnant to the general Principles of Humanity, should for the present be maintained for the Government of themselves, in all their Relations to and Dealings with each other, and that particular Districts should be set apart within which such Laws, Customs, or Usages should be so observed:'

Her Majesty may cause Laws of aboriginal native Inhabitants to be maintained.

It shall be lawful for Her Majesty, by any Letters Patent to be issued under the Great Seal of the United Kingdom, from Time to Time to make Provision for the Purposes aforesaid, any Repugnancy of any such native Laws, Customs, or Usages to the Law of *England*, or to any Law, Statute, or Usage in force in *New Zealand*, or in any Part thereof, in anywise notwithstanding.

LXXII. Subject to the Provisions herein contained, it shall be lawful for the said General Assembly to make Laws for regulating the Sale, Letting, Disposal, and Occupation of the Waste Lands of the Crown in *New Zealand*; and all Lands wherein the Title of Natives shall be distinguished as herein-after mentioned, and all such other Lands as are described in an Act of the Session holden in the Tenth and Eleventh Years of Her Majesty, Chapter One hundred and twelve, to promote Colonization in *New Zealand*, and to authorize a Loan to the *New Zealand Company*, as Demesne Lands of the Crown, shall be deemed and taken to be Waste Lands of the Crown within the Meaning of this Act: Provided always, that, subject to the said Provisions, and until the said General Assembly shall otherwise enact, it shall be lawful for Her Majesty to regulate such Sale, Letting, Disposal, and Occupation by Instructions to be issued under the Signet and Royal Sign Manual.

Power to General Assembly to regulate Sales of Waste Lands.

LXXIII. It shall not be lawful for any Person other than Her Majesty, Her Heirs or Successors, to purchase or in anywise acquire or accept from the aboriginal Natives Land of or belonging to or used or occupied by them in common as Tribes or Communities, or to accept any Release or Extinguishment of the Rights of such aboriginal Natives in any such Land as aforesaid; and no Conveyance or Transfer, or Agreement for the Conveyance or Transfer, of any such Land, either in perpetuity or for any Term or Period, either absolutely or conditionally, and either in Property or by way of Lease or Occupancy, and no such Release or Extinguishment as aforesaid, shall be of any Validity or Effect unless the same be made to, or entered into with, and accepted by Her Majesty, Her Heirs or Successors: Provided always, that it shall be lawful for Her Majesty, Her Heirs and Successors, by Instructions under the Signet and Royal Sign

Saving as to the Lands of aboriginal native Tribes.

Sign Manual, or signified through One of Her Majesty's Principal Secretaries of State, to delegate Her Powers of accepting such Conveyances or Agreements, Releases or Relinquishments, to the Governor of *New Zealand*, or the Superintendent of any Province within the Limits of such Province, and to prescribe or regulate the Terms on which such Conveyances or Agreements, Releases or Extinguishments, shall be accepted.

10 & 11 Vict.  
c. 112.

LXXIV. ' And whereas under and by virtue of the said last-mentioned Act, and of a Notice given on the Fourth Day of *July* One thousand eight hundred and fifty by the *New Zealand* Company in pursuance of such Act, the Sum of Two hundred and sixty-eight thousand three hundred and seventy Pounds Fifteen Shillings, with Interest after the yearly Rate of Three Pounds Ten Shillings *per Centum* upon the said Sum, or so much thereof as shall from Time to Time remain unpaid, is charged upon and payable to the *New Zealand* Company out of the Proceeds of the Sales of the Demesne Lands of the Crown in *New Zealand*.'

Upon all Sales  
of Waste Lands  
One Fourth  
Part of the Sum  
to be paid to  
New Zealand  
Company till  
their Debt is  
discharged.

In respect of all Sales or other Alienations of any Waste Lands of the Crown in *New Zealand* in Fee Simple or for any less Estate or Interest (except by way of Licence for Occupation for pastoral Purposes for any Term of Years not exceeding Seven, and not containing any Contract for the Renewal of the same, or for a further Estate, Interest, or Licence, or by way of Reservation of such Lands as may be required for public Roads or other internal Communications whether by Land or Water, or for the Use or Benefit of the aboriginal Inhabitants of the Country, or for Purposes of Military Defence, or as the Sites of Places of Public Worship, Schools, or other public Buildings, or as Places for the Interment of the Dead, or Places for the Recreation and Amusement of the Inhabitants of any Town or Village, or as the Sites of public Quays or Landing Places on the Sea Coast or Shores of navigable Streams, or for any other Purpose of public Safety, Convenience, Health, or Enjoyment,) there shall be paid to the said *New Zealand* Company towards the Discharge of the Principal Sum and Interest charged as aforesaid, in lieu of all and every other Claim of the said Company in respect of the said Sum, except where otherwise herein-after provided, so long as the same or any Part thereof respectively shall remain unpaid, One Fourth Part of the Sum paid by the Purchaser in respect of every such Sale or Alienation: Provided always, that it shall be lawful for the *New Zealand* Company, by any Resolution of a Majority of the Proprietors of the said Company present at any Meeting of such Proprietors, and certified under the Common Seal of such Company, to release all or any Part of the said Lands from the Monies or Payment charged thereon by the said Act or this Act, or any Part of such Monies or Payment, either absolutely or upon any Terms or Conditions, as such Proprietors may think fit.

Power to New  
Zealand Com-  
pany to release  
Lands from  
Payments, &c.

Saving as to Can-  
terbury Settle-  
ment Lands.  
13 & 14 Vict.  
c. 70, and

LXXV. It shall not be lawful for the said General Assembly to repeal or interfere with all or any of the Provisions of an Act of the Session holden in the Thirteenth and Fourteenth Years of Her Majesty, Chapter Seventy, intituled *An Act empowering the* Canterbury

Canterbury Association to dispose of certain Lands in New Zealand, or of an Act passed in the Session then next following, Chapter Eighty-four, to alter and amend the said first-mentioned Act: Provided always, that on the Expiration or sooner Determination of the Functions, Powers, and Authorities now vested in or lawfully exercised by the said Association, the Provisions of the present Act shall come into force as regards the Lands to which the said Acts relate.

14 & 15 Vict.  
c. 84.

LXXXVI. It shall be lawful for the *Canterbury Association*, at any Time after a Provincial Council shall have been constituted under this Act for the Province of *Canterbury*, to transfer to the said Council all such Functions, Powers, and Authorities, and the said Council is hereby empowered to accept such Transfer, upon such Terms and Conditions as shall be agreed upon between the said Council and the said Association: Provided always, that nothing contained in such Terms and Conditions shall interfere with the Rights of Her Majesty, Her Heirs and Successors, or of the *New Zealand Company* respectively; and from and after such Time as shall be agreed upon between the said Council and the said Association the said Council shall have and be entitled to exercise all the said Functions, Powers, and Authorities.

Power to Canterbury Association to transfer their Powers to the Provincial Council.

LXXXVII. Nothing in this Act or in any Act, Law, or Ordinance to be made by the said General Assembly, or by any Provincial Assembly, shall affect or interfere with so much of an Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Eighty-six, intituled *An Act to regulate the Affairs of certain Settlements established by the New Zealand Company in New Zealand*, as relates to the Administration of the Fund for the public Purposes of the Settlement of *Nelson*.

Saving as to Nelson Trust Fund.

14 & 15 Vict.  
c. 86.

LXXXVIII. 'And whereas certain Terms of Purchase and Pasturage of Land in the Settlement of *Otago* had been issued by the *New Zealand Company* before the Fourth Day of *July* One thousand eight hundred and fifty, and the said Terms, or Part of them, were in force on that Day as Contracts between the *New Zealand Company* and the Association of Lay Members of the Free Church of *Scotland*, commonly called the *Otago Association*: And whereas by the Provisions of the said Act of the Tenth and Eleventh Years of Her Majesty, and of the said Notice given by the *New Zealand Company*, the Lands of the said Company in *New Zealand* reverted to and became vested in Her Majesty as Part of the Demesne Lands of the Crown, subject nevertheless to any Contract then subsisting in regard to any of the said Lands: And whereas it is expedient that Provision should be made to enable Her Majesty to fulfil the Contracts contained in such Terms of Purchase and Pasturage as aforesaid:'

Power to Her Majesty to regulate the Disposal of Waste Lands in Otago.

It shall be lawful for Her Majesty for that Purpose to make Provision, by way of Regulations to be contained in any Charter to be granted to the said Association, for the Disposal of the Lands to which the said Terms of Purchase and Pasturage relate, so far as the same are still in force as aforesaid, and for varying from Time to Time such Regulations, with such Consent by or on behalf of the said Association as in any such Charter or In-

structions

No Act of the General Assembly to interfere with such Regulations, save with Consent, &c.

Her Majesty may delegate certain Powers to Governor.

Interpretation of "Governor" and "New Zealand."

Commencement of this Act.

Proclamations to be published in the New Zealand Gazette.

structions shall be specified, and for fixing the Boundaries thereof, and for enabling the said Association to transfer its Powers to the Provincial Council for the Province of *Otago*: Provided always, that no such Charter shall be granted or have Effect for any longer Term than Ten Years from the passing of this Act; but One of Her Majesty's Principal Secretaries of State may at any Time during the Term for which such Charter shall be granted, by Writing under his Hand, extend the Term for which such Charter shall have been granted for such further Time as in his Discretion he may think fit: Provided always, that it shall not be lawful for Her Majesty, by any such Regulations as aforesaid, to diminish the Sum now payable to the *New Zealand Company* in respect of all Waste Land sold under the said Terms of Purchase, unless with the Consent of the *New Zealand Company*, signified as herein-before provided; and during the Continuance of such Charter as aforesaid, it shall not be lawful for the said General Assembly to repeal or interfere with any such Regulations respecting Lands in *Otago*, except with such Consent by or on behalf of the *Otago Association* as in any such Charter or Instructions may be provided, and (so far as the Rights of the *New Zealand Company* may be affected) with the Consent of such Company signified as herein-before provided; and every Bill which shall repeal or interfere with any such Regulations shall be reserved for the Signification of Her Majesty's Pleasure thereon.

LXXIX. It shall be lawful for Her Majesty, by any such Letters Patent as aforesaid, or Instructions under Her Majesty's Signet and Sign Manual, or signified through One of Her Majesty's Principal Secretaries of State, to delegate to the Governor any of the Powers herein-before reserved to Her Majesty respecting the Removal of Superintendents of Provinces, and the Regulation of the Sale, Letting, Disposal, and Occupation of Waste Lands, the Establishment of Municipal Corporations, and the Preservation of aboriginal Laws, Customs, and Usages.

LXXX. In the Construction of this Act the Term "Governor" shall mean the Person for the Time being lawfully administering the Government of *New Zealand*; and for the Purposes of this Act "*New Zealand*" shall be held to include all Territories, Islands, and Countries lying between Thirty-three Degrees of South Latitude and Fifty Degrees of South Latitude, and One hundred and sixty-two Degrees of East Longitude and One hundred and seventy-three Degrees of West Longitude, reckoning from the Meridian of *Greenwich*.

LXXXI. This Act shall be proclaimed in *New Zealand* by the Governor thereof within Six Weeks after a Copy of such Act shall have been received by such Governor, and, save as herein expressly provided, shall take effect in *New Zealand* from the Day of such Proclamation thereof.

LXXXII. The Proclamation of this Act, and all Proclamations to be made under the Provisions thereof, shall be published in the *New Zealand Government Gazette*.

## SCHEDULE referred to in the foregoing Act.

	£
Governor - - - - -	2,500
Chief Justice - - - - -	1,000
Puisne Judge - - - - -	800
Establishment of the General Government	4,700
Native Purposes - - - - -	7,000
	<hr/>
	£ 16,000
	<hr/>

## C A P. LXXIII.

An Act to make Provision for a permanent Establishment of Officers to perform the Duties at Nisi Prius, in the Superior Courts of Common Law, and for the Payment of such Officers and of the Judges Clerks by Salaries, and to abolish certain Offices in those Courts.

[30th June 1852.]

**W**HEREAS the Officers in the Superior Courts of Common Law who perform the Duties at Nisi Prius hold their Offices and Appointments during Pleasure, and such Officers and the Clerks at the Judges Chambers are remunerated by Fees received by them from the Suitors, and it is expedient to provide a permanent Establishment of such Officers, and that they and the said Clerks be paid by Salaries, and that the Fees now payable by the Suitors be diminished: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:—

I. From and after the Twenty-fourth Day of *October* after the passing of this Act the Offices of Marshal and Clerk at Nisi Prius in the Court of Queen's Bench, and Marshal in the Courts of Common Pleas and Exchequer, shall be and the same are hereby abolished; and all Acts, Duties, and Services now and heretofore done, performed, and rendered by such Marshals and Clerk at Nisi Prius respectively shall be done, performed, and rendered by the Associates in the Courts of Queen's Bench, Common Pleas, and Exchequer, who shall also continue to perform all Acts, Duties, and Services now done, performed, and rendered by them in respect of the several Offices now held by them respectively; and such Acts, Duties, and Services, when so done, performed, and rendered by the said Associates, or their Successors, or any of them, shall be good and valid in Law to all Intents and Purposes; and all lawful Powers and Authorities now and heretofore vested in or exercised by the Marshal and Clerk at Nisi Prius in the Court of Queen's Bench, and the Marshals in the Courts of Common Pleas and Exchequer by virtue or in right of their respective Offices, shall be vested in and exercised by the said Associates in the Courts of Queen's Bench, Common Pleas, and Exchequer respectively.

Marshal and Clerk at Nisi Prius in the Court of Queen's Bench and Marshals in the Courts of Common Pleas and Exchequer abolished, and their Duties to be performed by the Associates respectively.



Records, &c. to be transferred to Associates.

II. All the Records, Books, Papers, and Documents of and concerning the Duties and Business of the several Offices of the Courts of Queen's Bench, Common Pleas, and Exchequer, so abolished as aforesaid, shall, on or before the Twenty-fourth Day of *October* One thousand eight hundred and fifty-two, be delivered by the several Officers of the said Courts respectively now having the Custody of the same, into the Custody and Possession of the Associates in the Courts of Queen's Bench, Common Pleas, and Exchequer respectively, to be by them kept and preserved; and Searches may be made, and Copies or Extracts of and from the said Records, Books, Papers, and Documents shall and may be had and taken, at such Times and in such Manner as hath been the accustomed Practice in the several Offices hereby abolished; and the Officers, whose Offices are hereby abolished, shall and they are hereby required, on or before the said Twenty-fourth Day of *October* One thousand eight hundred and fifty-two, to pay over to the Associates of the said Courts respectively all and every Sum and Sums of Money, if any, which shall have been paid into and shall be in their Hands by virtue of their said respective Offices, and to render an accurate Account thereof to the said Associates of the said Courts respectively.

Chief Justices or Chief Baron to appoint future Associates.

III. When and so often as any Vacancy shall occur in any of the said Offices of Associate in either of the said Courts respectively, by Death, Resignation, or otherwise, it shall and may be lawful for the Lord Chief Justice or Lord Chief Baron of the Court in which such Vacancy shall occur to nominate and appoint some fit and proper Person to fill such vacant Office.

Two Clerks to be appointed by Associates, subject to Approval of Chief Justices or Chief Baron.

IV. The Associates in the Courts of Queen's Bench, Common Pleas, and Exchequer, and their Successors, shall and may, in and for the Discharge of the Duties of their respective Offices, have not exceeding Two Clerks, as the Lord Chief Justice or the Lord Chief Baron of the Court for the Time being to which such Associates respectively belong shall determine to be necessary and proper; and all such Clerks shall and may be appointed by the Associates of the said Courts respectively for the Time being, with the Sanction and Approval of the Lord Chief Justice or Lord Chief Baron of the Court to which such Associate shall belong; and such Clerks as are appointed shall hold their Offices during Pleasure.

Offices to be provided for the Associates in the Offices of the Courts or their Vicinity.

V. Convenient Offices shall be provided by the Commissioners of Her Majesty's Treasury for the Transaction of the Business of the Office of Associate in the Courts of Queen's Bench, Common Pleas, and Exchequer, in the Offices of the said respective Courts, or their immediate Vicinity; and the Places for such Offices shall be fixed by the Lord Chief Justice, or Lord Chief Baron of the said Courts respectively, as soon as possible after the passing of this Act, and may be changed by them from Time to Time as Occasion may require.

In case of Sickness or other unavoidable Cause, the Duties of the Associates may be performed by Deputy.

VI. If the said Associates, or any or either of them, shall, from Sickness or other unavoidable Cause, have occasion to be absent from the Business of their or his Office for a longer Period than Two Months at any One Time, then and in every such Case it shall and may be lawful for the Lord Chief Justice or Lord Chief Baron for the Time being of the Court to which such Officer shall belong

belong to give Leave of Absence by his Order in Writing to such Officer, and, if necessary, to appoint a Deputy in his Place during such Time as shall be expressed in such Order; and the Name of such Deputy, and also the Cause and Time of such Absence, shall be stated in such Order; and such Deputy may, if Occasion require it, be changed by the Lord Chief Justice or Lord Chief Baron; and every Deputy so appointed shall be paid by the Principal for whom he shall act such Remuneration for his Services as the said Lord Chief Justice or Lord Chief Baron shall direct in such Order, not being in any Case less than One Third of the Amount fixed and settled by this Act as the Salary of such principal Officer.

VII. A fixed Sum, to be settled for the several Circuits respectively by the said Commissioners of Her Majesty's Treasury, by and with the Sanction of the said Lord Chief Justices and Lord Chief Baron, shall be hereafter paid by way of Salary to each of the Judges Marshals on each Spring and Summer Circuit, and to the Marshal of the Senior Judge on the Winter Circuit, and on a Special Commission, for his Services thereon; such Sum to be paid to the Marshal upon Notice in Writing being given by the Judge, by whom such Marshal is appointed, of the Name and Address of the Person whom he has appointed to be his Marshal, and of the Circuit which such Judge has chosen, or the Commission to which he has been appointed, to the Lords Commissioners of Her Majesty's Treasury for the Time being, who shall, upon the Receipt of such Notice, pay the Sum so fixed on as aforesaid for such Circuit or Commission to the Person therein mentioned as having been appointed to be Marshal.

Power to Treasury to fix Salaries of Judges Marshals.

VIII. It shall be lawful for the Lord Chief Justices and Lord Chief Baron each to appoint Three Clerks, One of whom is to act as Crier on the Circuit, and in *London* and *Middlesex*, and for the other Justices and Barons each to appoint Two Clerks, One of whom is to act as Crier on the Circuit; and such Clerks shall perform all the Duties heretofore performed by the Judges Clerks; and shall hold their Offices during the Pleasure of the Judges by whom they are appointed, or if continued by their Successors during the Pleasure of such Successors.

Clerks to be appointed by the Judges.

IX. 'And whereas it is expedient that the several Officers of the said Superior Courts, set forth and described in Schedule (A.) to this Act annexed, who now hold their Offices and Appointments during Pleasure, should be re-appointed, and should hold such Offices and Appointments during good Behaviour:' Be it enacted, That the Persons now holding the Offices and Appointments in the said Schedule (A.) as such Officers, shall be and the same are hereby appointed and declared to be such Officers in the said Superior Courts, and they and their Successors shall respectively hold such Offices and Appointments during good Behaviour.

Present Officers re-appointed to hold their Offices during good Behaviour.

X. 'And whereas it is expedient that a new Table or Tables of Fees proper to be taken in the said Superior Courts, and their several Offices, and at the Judges Chambers, and by the Clerks of Assize acting as Associates on the Circuits, should be prepared with reference to the various Changes and Alterations which have been or may be made in the Process, Practice, and

Treasury to cause Table of Fees to be prepared, and submitted to Judges for Approval.

‘ Proceedings of those Courts, and to the Diminution of Expense, ‘ where practicable, to the Suitors :’ Be it enacted, That it shall and may be lawful for the Commissioners of Her Majesty’s Treasury, and they are hereby required, forthwith to prepare or cause to be prepared a Table or Tables of Fees, specifying what Fees are proper to be demanded and taken in the said Courts and Offices, at the Judges Chambers, and on the Circuits, and what Fees should be abolished ; and such Table or Tables shall be laid for Approval before the Judges of the said Courts ; and the said Judges or any Six or more of them, of whom the Lord Chief Justices and Lord Chief Baron shall be Three, are hereby empowered and required, as soon as conveniently may be, to revise and settle the said Table or Tables of Fees so prepared as aforesaid, and from Time to Time to add to, or reduce, alter, or amend the same, as they may deem necessary and proper, and the said Table or Tables of Fees so revised and corrected as aforesaid from Time to Time to allow and sanction, by affixing their Signatures respectively thereto, and to establish the same in and for the said Courts ; and the said Commissioners of Her Majesty’s Treasury are required, so soon and as often as each Table or Tables of Fees have been sanctioned and allowed by the Judges, to cause the same to be inserted and published in the *London Gazette* ; and from and after such Publication no other Fees than those sanctioned and allowed as aforesaid shall on any Pretence whatever be demanded or taken by any Officer or Clerk of the said Courts in respect of any Duty or Service to which such Table or Tables of Fees may relate ; provided that until the Publication of such Table or Tables of Fees under the Authority aforesaid, the Fees now lawfully taken by the said Officers and Clerks shall and may continue to be taken.

Officers and  
Clerks not to act  
as Barristers,  
Attornies, or  
Agents.

XI. No Person holding the Office of Associate in the Courts of Queen’s Bench, Common Pleas, and Exchequer, or the Appointment of Judges Clerk, or of Clerk in any of the Offices of the Superior Courts, shall, either directly or indirectly, act as a Barrister, Attorney, or Solicitor, or as Agent of any Attorney or Solicitor, in any Court of Law or Equity in the United Kingdom, either separately or in Partnership with any other, during such Time as he shall hold such Office of Associate, or act as such Clerk : Provided always, that nothing in this Act contained shall operate to prevent any Attorney or Solicitor, or Agent of any Attorney or Solicitor, now practising in any Court of Law or Equity, and now holding any Office or Appointment mentioned in this Act, from continuing to practise as such Attorney, Solicitor, or Agent, notwithstanding this Act.

Treasury to fix  
Salaries of  
Officers and  
Clerks.

XII. It shall and may be lawful for the said Commissioners of Her Majesty’s Treasury, and they are hereby authorized and required, by and with the Sanction of the Lord Chief Justices and the Lord Chief Baron, to fix and appoint an annual Sum by way of Salary to the several Officers and Clerks whose Offices and Appointments are respectively set forth and described in the Schedule (B.) to this Act annexed, which Salaries they shall be entitled to receive in lieu of all Fees and Emoluments now received by such Officers and Clerks respectively ; and the said Commissioners, with such Sanction as aforesaid, shall have Power,

Power to raise  
Salaries.

on

on each Vacancy in any such Office or Appointment, to revise the Salary attached thereto, and to fix another Salary in lieu thereof, having regard to the Nature, Duties, and Responsibility of such Office or Appointment; and such Salaries, together with the necessary Expenses of the respective Offices, shall be payable and paid by equal quarterly Payments on the Thirty-first Day of *March*, the Thirtieth Day of *June*, the Thirtieth Day of *September*, and the Thirty-first Day of *December* in every Year, together with a proportional Part of such annual Sum for the Time which at the Decease of the Person entitled thereto shall have elapsed since the last Payment thereof: Provided always, that if any of the Officers or Clerks appointed or to be appointed under the Provisions of this Act shall be entitled to and in the Receipt of Compensation Allowance awarded to them under any Act or Acts of Parliament regulating or relating to their respective Offices or Appointments, which shall exceed the Amount of Salary fixed and determined as aforesaid, such Officers and Clerks respectively shall be entitled to and shall receive the full Amount of such Compensation Allowance by way of Salary so long as they shall respectively hold their Offices or Situations; and in Cases wherein such Compensation Allowance shall be less than the Amount of Salary so fixed and determined as aforesaid, the same shall merge and be considered as Part of and included in the said Salary.

XIII. The Salaries and Compensation Allowances by way of Salary herein-before granted to the several Officers and Clerks of the said Courts respectively, and also the Salaries and Compensation Allowances by way of Salary, if any, which shall and may be granted to the several Officers and Clerks under the Provisions of this and any other Act or Acts of Parliament regulating or relating to the same, together with the necessary and unavoidable Expenses of the said Offices respectively, shall be paid and payable out of and be charged and chargeable upon the Fees received by the said Officers and Clerks in the said Courts respectively; and the Surplus of such Fees arising in each of the said Courts, after the Payment of the said Salaries and Expenses, shall be paid into the Receipt of the Exchequer to the Credit of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, at such Times and in such Manner as the Commissioners of Her Majesty's Treasury for the Time being shall think proper to direct; and in the event of the Fees so received by the said Officers and Clerks respectively of any of the said Courts being at any Time insufficient to defray the said Salaries and Compensations, if any, and other necessary Expenses, it shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and required, to direct the Amount of such Deficiency to be charged upon and paid out of the said Consolidated Fund.

Salaries, how charged.

XIV. The said Officers and Clerks, mentioned and described in Schedule (C.) to this Act annexed, shall respectively cause all Fees received by them, and all Disbursements made thereout for Salaries and other necessary Expenses, to be duly and regularly entered in One or more Books, to be kept for that Purpose in their Offices, distinguishing the Fees received under their several

Officers to render Accounts of Fees received to the Treasury.

Heads, and also the Particulars and Amount of every Disbursement; and shall quarterly, within One Month after the Thirtieth Day of *March*, the Thirtieth Day of *June*, the Thirtieth Day of *September*, and the Thirty-first Day of *December* in every Year, render a true and faithful Account in Writing to the Commissioners of Her Majesty's Treasury for the Time being of all such Fees and Disbursements, in such Form of Account, and with such Particulars of Receipt or otherwise, and accompanied by such Vouchers, as the said Commissioners of Her Majesty's Treasury shall from Time to Time think proper to require and direct; and if upon Examination of any such Account it shall appear to the said Commissioners of Her Majesty's Treasury that any Fees have not been duly accounted for, or that any unreasonable or improper Charge or Deduction has been made in such Account, it shall be lawful for the said Commissioners of Her Majesty's Treasury finally to settle and adjust the same in such Way as they may think reasonable and proper, and the said Officers and Clerks of the said Courts by whom such Account shall have been rendered shall and they are hereby required to alter and amend the said Account accordingly: Provided always, that the Officers and Clerks of the said Courts respectively shall submit their Books of Account to the Inspection of the said Commissioners of Her Majesty's Treasury, or any Person or Persons whom they may employ for that Purpose, whenever the said Officers and Clerks shall be required so to do.

Allowance to  
Officers on their  
Retirement  
from Office.

XV. Every Person appointed or to be appointed under the Provisions of this Act as an Officer of the said Courts respectively, who shall hereafter resign his Office or Situation with the Sanction and under the Authority of the Lord Chief Justice or Lord Chief Baron of the Court to which he shall belong, in consequence of his being incapable, from Infirmary of Mind or Body, to discharge the Duties thereof, shall be entitled to receive such Superannuation Allowance as the said Commissioners of Her Majesty's Treasury shall think proper to direct; and in ascertaining and awarding the Amount of such Superannuation Allowance the said Commissioners of Her Majesty's Treasury shall take into consideration the whole Period during which any such Person shall have been permanently employed in any Office or Situation in either of the said Courts, or in any other Public Office or Situation, prior to the passing of this Act, and shall proceed according to the Principles laid down by an Act passed in the Fourth and Fifth Years of the Reign of His said late Majesty, intituled *An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service*; and all such Sums and Allowances which shall be so awarded and granted under the Authority aforesaid shall be paid and payable and be charged and chargeable in the same Way as is herein-before provided in respect of the Salaries of the Officers of the said Courts respectively, and the necessary Expenses of the said Offices.

4 & 5 W. 4. c. 24.

Ushers and subordinate Officers, and their

XVI. ' And whereas the Ushers, Courtkeepers, Messengers, Assistants, and other subordinate Officers of the said Superior Courts, and Attendants on the Judges (other than the Judges  
' Clerks

‘ Clerks herein-before mentioned) are entitled to receive Fees from the Suitors in the said Court, and it is expedient that the said Suitors should be relieved from the Payment of such Fees, and that adequate Salaries should be provided for such Officers, Assistants, and Attendants:’ Be it enacted, That all Persons holding any subordinate Offices or Appointments in any of the said Superior Courts, as Ushers, Courtkeepers, Messengers, Assistants, and the like, or as Attendants on the Judges (other than the Judges Clerks herein-before mentioned), and their Deputies, shall respectively, on or before the Twenty-fourth Day of *October* One thousand eight hundred and fifty-two, render a true Account in Writing to the said Commissioners of Her Majesty’s Treasury of all Fees and Emoluments received or claimed to be received by them, or on their Behalf, and also of the annual Value of all such Fees and Emoluments received by them, or on their Behalf, and also of the annual Salary, Allowances, or Profits allowed to or received by them respectively, whether as Principals or Deputies, and also of the Nature and Amount of Disbursements, if any, in respect of any of such Offices or Appointments, for the Space of Five Years next preceding the passing of this Act; and the Accounts so rendered shall be in such Form, and with such Particulars of Receipt or otherwise, and accompanied by such Vouchers, as the said Lords Commissioners shall from Time to Time think proper to require and direct.

Deputies, to render Accounts of Fees to Treasury.

XVII. It shall and may be lawful for the said Commissioners of Her Majesty’s Treasury, and they are hereby empowered, by and with the Consent of the said Lord Chief Justices and the Lord Chief Baron, to abolish all or any of the Fees set forth in such Accounts; and a List or Lists, specifying the Nature or Description of the Fees so to be abolished, shall thereupon be published by and under the Authority of the said Commissioners of Her Majesty’s Treasury in the *London Gazette*; provided that until such Publication all Fees that now are or may be legally received in respect of such subordinate Offices or Appointments, shall and may continue to be received as heretofore.

Fees of such subordinate Officers may be abolished.

XVIII. It shall and may be lawful for the said Commissioners of Her Majesty’s Treasury, and they are hereby empowered and required, by and with the Sanction of the said Lord Chief Justices and the Lord Chief Baron, as soon as conveniently may be, to ascertain and fix the Number of Ushers, Courtkeepers, Messengers, and other subordinate Officers, and Assistants in the said Superior Courts, and of Attendants on the Judges (other than the Judges Clerks herein-before mentioned), which shall be sufficient for the due Performance of the Duties required to be rendered in respect of such subordinate Offices and Appointments, and for the necessary Attendance on the Judges; and a List or Lists of the Offices and Appointments, when so fixed and ascertained, shall thereupon be published by and under the Authority of the said Commissioners of Her Majesty’s Treasury in the *London Gazette*; and from and after such Publication all such of the said Offices and Appointments as are not contained in such List or Lists shall be and the same are hereby declared to be abolished.

The Number of subordinate Officers to be fixed by Treasury, with the Sanction of the Chief Justices and Chief Baron.

XIX. It shall and may be lawful for the Lord Chief Justices and the Lord Chief Baron respectively for the several Courts to appoint

Subordinate Officers to be appointed by the

Chief Justices  
and Chief Baron  
respectively.

appoint fit and proper Persons to perform the Duties of the said several subordinate Offices and Appointments, when such Offices and Appointments shall have been fixed and ascertained in the Manner herein-before provided: Provided always, that the Persons who now perform the Duties of such subordinate Offices and Appointments shall be re-appointed to such Offices and Appointments, if they shall be found willing and competent to discharge the Duties thereof, in preference to any Person who shall not have performed such Duties prior to the passing of this Act; and when and so often as any Vacancy shall occur by Death, Resignation, or otherwise, in any such Office or Appointment, it shall and may be lawful for the Lord Chief Justice or Lord Chief Baron of the Court, in which such Vacancy shall occur, to nominate and appoint some fit and proper Person to fill such Vacancy; and all Persons to be appointed to such Offices or Appointments shall hold their respective Offices during the Pleasure of the Court to which they shall respectively belong.

Power to in-  
crease or reduce  
the Number of  
such subordi-  
nate Officers.

XX. If at any Time after the passing of this Act it shall be found that the Establishment of such subordinate Officers, Assistants, or Attendants in any of the said Superior Courts is either excessive or insufficient for the due Performance of the Duties required to be rendered by such Officers, Assistants, or Attendants, it shall and may be lawful for the Lord Chief Justice or Lord Chief Baron of the Court, in which any Alteration with respect to such Establishment may be deemed necessary, to notify the same in Writing to the said Commissioners of Her Majesty's Treasury, stating therein the Circumstances which may have caused any Increase or Diminution of such Establishment to be necessary; and thereupon the said Commissioners of Her Majesty's Treasury may, and they are hereby authorized and required, from Time to Time by their Warrant to increase or reduce such Establishment, as the Case may require; and, by and with the Sanction of the said Lord Chief Justice or Lord Chief Baron of the Court in which such Alteration is deemed necessary, to make such Provision for the carrying into effect such Alteration, both with respect to regulating the Salaries and otherwise, as may be thought proper.

Salaries of sub-  
ordinate Officers  
to be fixed by  
Treasury, with  
Sanction of the  
Chief Justices  
and Chief Baron,  
and to be paid  
out of Consoli-  
dated Fund.

XXI. It shall and may be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and required, by and with the Sanction of the Lord Chief Justices and Lord Chief Baron, to fix and appoint an annual Sum to be paid by way of Salary to each and every of such subordinate Officers, Assistants, and Attendants, who shall be re-appointed or appointed under the Provisions of this Act; and such Salaries, together with the necessary Expenses (if any) of such Offices and Appointments, shall be payable and paid by equal quarterly Payments on the Thirty-first Day of *March*, the Thirtieth Day of *June*, the Thirtieth Day of *September*, and the Thirty-first Day of *December* in every Year, together with a proportional Part of such annual Sum for the Time which at the Decease of the Person entitled thereto shall have elapsed since the last Payment thereof; and such Salaries and Expenses shall be paid out of and charged and chargeable upon the said Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided  
always,

always, that the Officers, Assistants, and Attendants, the Value of whose Offices or Amount of whose Salaries or official Incomes have been already fixed and ascertained under and by virtue of any Act or Acts of Parliament regulating or relating to their said Offices or Salaries, shall be entitled during their Tenure of Office respectively to receive the Amount of Salary or official Income now received by them, if such Amount exceed the Salary to be fixed by the Commissioners of Her Majesty's Treasury as aforesaid under this Act; and in case such Amount shall be less than the Salary so fixed by the said Commissioners of Her Majesty's Treasury, the same shall merge and be considered as Part of and included in the said Salary.

XXII. ' And whereas the Hereditary Chief Proclamator in the Court of Common Pleas, and the Hereditary Chief Usher in the Court of Exchequer, in right of their respective Offices, are entitled to appoint certain Officers in the said Courts of Common Pleas and Exchequer, who by themselves or their Deputies perform the Duties of their respective Offices; and it is expedient that the said Offices of Hereditary Chief Proclamator and Hereditary Chief Usher should be abolished; and that a fit and proper Compensation should be awarded to *George Henry Walker Heneage* Esquire (being the Person who now holds these Offices), upon the Abolition thereof: ' Be it enacted, That it shall and may be lawful for the said Commissioners of Her Majesty's Treasury and they are hereby authorized to pay to the said *George Henry Walker Heneage* Esquire, during his Life, and after his Death to such Person or Persons as would have been entitled to hold such Offices, or either of them upon satisfactory Proof of his, her, or their being so entitled, such annual Sum as the Commissioners may find to be a fair and reasonable Compensation for the Loss of the said Offices; and in estimating such Compensation, the average annual Amount of Profit arising from the said Offices respectively for the Thirty Years next preceding the passing of this Act shall be taken into consideration; and such annual Sum shall be paid out of and charged and chargeable upon the said Consolidated Fund of *Great Britain and Ireland*.

Compensation  
to Hereditary  
Chief Procla-  
mator and  
Hereditary  
Chief Usher.

XXIII. Every Person holding any Office or Appointment in the said Courts of Common Pleas or Exchequer under any Grant, Deed, or other Appointment from the said Hereditary Chief Proclamator, or Hereditary Chief Usher, and every other subordinate Officer, Assistant, or Attendant, whose Office shall be abolished under the Provisions of this Act, and who shall not be re-appointed to any Office in any of the said Superior Courts, shall be entitled to receive such a Sum in Gross, or such an annual Sum, as the said Commissioners of Her Majesty's Treasury may fix and appoint, as a fair and reasonable Compensation for the Loss of any such Office or Appointment; and such Sums by way of Compensation shall be paid out of and charged and chargeable upon the said Consolidated Fund of *Great Britain and Ireland*; and the said Commissioners of Her Majesty's Treasury are hereby authorized and required to fix the Amount of such Sums to be paid by way of Compensation, and to pay the same to the said Persons whose Offices shall have been abolished under this Act.

Compensation  
to Officers ap-  
pointed by He-  
reditary Chief  
Proclamator or  
Hereditary  
Chief Usher,  
and to subordi-  
nate Officers.

XXIV. That



Not to affect existing Messengers of Exchequer.

XXIV. That nothing herein contained shall affect the Rights of the existing Four Patent Messengers of the said Court of Exchequer, but there shall be paid to each of the present Messengers of the said Court, during their respective Lives, the Amount of the annual Salaries or Allowances to which they are now respectively entitled.

Appointments to be made without pecuniary Consideration.

XXV. All Appointments of Officers and Clerks to be made by virtue of this Act shall be so made without any pecuniary or other Consideration whatsoever, directly or indirectly, to be paid or received for the same; and all such Officers and Clerks shall execute their Duties in Person, and shall give their Attendance in Court or elsewhere, and shall conduct the Business of their several Departments or Offices at such Places and Hours, whether in Term Time or Vacation, and in every respect in such Manner as the Lord Chief Justices or the Lord Chief Baron, and the other Justices and Barons of the said Courts respectively shall from Time to Time order and direct.

Officers and Clerks not to receive Gratuities on pain of Dismissal.

XXVI. If any Officer of the said Courts, or any Clerk appointed or to be appointed under or by virtue of this Act, or any Person whatever employed in the Offices of the said Courts, shall, for anything done or pretended to be done relating to his Office or Employment, or under colour of doing anything relating to his Office or Employment, or for forbearing to do any Act properly appertaining to his said Office, demand, take, receive or accept, or allow any Person whatsoever to take for him, or on his Account, or for or on account of or in trust for him or any other Person named by him, any Gratuity, Perquisite, or Reward, or anything of Value, other than the Salary or Remuneration allowed or to be allowed to every such Officer, Clerk, or Person aforesaid, he shall forfeit a Sum of Fifty Pounds, to be recovered by Action of Debt at the Suit of Her Majesty's Attorney General, and upon Judgment being recovered therein he shall be incapable of any longer holding his Office or Employment.

No Compensation to be allowed for Loss of Right of Appointment.

XXVII. In the event of any Reduction being hereafter made in the Number of the Officers or Clerks created or authorized by this Act, the Lord Chief Justices, Lord Chief Baron, Justices, Barons, and Associates of the said Courts respectively for the Time being, shall not be entitled to Compensation for the Loss of any Right of Appointment vested in them or any of them by virtue of this Act.

Certain Fees on Circuit abolished.

XXVIII. And whereas upon the Circuits of the Judges of Assize and Gaol Delivery, a Fee of Six Shillings and Eightpence is now paid on every Cause to the Marshals of the Judges of Assize for the Use of the Judge: Be it enacted, That the said Fee, and all other Payments upon the Circuits to or to the Use of the said Judges, shall be and they are hereby abolished.

Account to be laid before Parliament.

XXIX. The said Commissioners of Her Majesty's Treasury shall cause to be laid before Parliament, within Fourteen Days of its First Meeting in every Year, an Account, made up to the Thirty-first Day of *December* previous, both with respect to the said Offices, and with respect to all other Offices in the Superior Courts of Law, of all Charges on the Consolidated Fund, by way of Compensation or otherwise, and of the gross and net Receipts of

of Fees in each of the said Offices, and of all Charges and Disbursements deducted therefrom, and of all Amounts fixed by way of Remuneration for any of the Holders of the said Offices respectively, and of any Salaries fixed under the Powers of this Act, and of all Salaries charged on the said Fees during the Year then last elapsed, and after the first such Account shall have been presented, then during the Two Years last elapsed, with a Statement of the Increase or Decrease of any of the said Items of Account in the second of such Years as compared with the first.

XXX. Where it shall be made to appear to the said Commissioners that any of the herein-before mentioned Officers omits to perform the Duties of his Office in Person, the said Commissioners, unless it shall be shown to their Satisfaction that such Omission arises from temporary and unavoidable Causes, and they shall in Writing approve of such Omission for a Period not exceeding at any One Time Six Months, shall, as the Case may be, require the whole of the Fees due to or received by such Officer for his own Use during the Time of such Omission to be accounted for and paid over as aforesaid, or shall cease to allow or pay any Salary otherwise due to such Officer during the Time of such Omission.

Duties to be performed in Person.

XXXI. The Fees heretofore received on the Circuit by the Marshal's Man and the Judge's Bailiff respectively shall be and are hereby abolished; and no Fee, Gratuity, or Reward whatsoever shall be demanded or accepted by any one exercising or claiming to exercise either of the said Offices, or by any Servant or other Person attending the Circuit in any subordinate Office or Employment.

Fees of Marshal's Men and Judge's Bailiff abolished.

XXXII. ' And whereas, by reason of abolishing the Office of Hereditary Chief Usher of the Court of Exchequer, and the Officers of the said Court appointed by that Officer, it becomes necessary to make Provision for the Duties hitherto performed by the said Hereditary Chief Usher and Persons, styled "Messengers of the Court of Exchequer," holding Offices or Places in the Patronage of and appointed by the said Hereditary Chief Usher: The Duties hitherto performed by the said Hereditary Chief Usher and Messengers of the Court of Exchequer, so far as regards the Process issued and issuing from the Office of Her Majesty's Remembrancer in the Court of Exchequer, and of the Treasurer of the Governors of the Bounty of Queen Anne, on the Seal Day next after each and every Term, shall, from and after the Abolition of the said Offices of Messengers of the Court of Exchequer, be discharged by Her said Majesty's Remembrancer, and his Officers under his Direction, and the Officers of the said Treasurer of the Governors of the Bounty of Queen Anne, and shall be in all respects as valid and effectual to all Intents and Purposes as if performed by the said Hereditary Chief Usher and Messengers of the Court of Exchequer as heretofore, any Law or Usage to the contrary notwithstanding; and that it shall not be necessary in future for the Process herein-before referred to to be sealed before or in the Presence of the Cursitor Baron of the said Court of Exchequer on the said Seal Days as heretofore, but the same may be issued from the Office of Her said Majesty's Remembrancer

As to Performance of Duties of Hereditary Chief Usher and Messenger of the Court of Exchequer.

brancer and the Office of the Treasurer of the Governors of the Bounty of Queen *Anne*, and be respectively sealed in the Office of Her said Majesty's Remembrancer, who has the Custody or Keeping of the Great Seal of the Exchequer.

#### SCHEDULE (A.)

OFFICERS and CLERKS of the JUDGES in the Superior Courts re-appointed by this Act.

Associate in the Court of Queen's Bench.

Associate in the Court of Common Pleas.

Associate in the Court of Exchequer.

#### SCHEDULE (B.)

OFFICERS and CLERKS who are to be paid by SALARIES instead of FEES.

The Associates in the Queen's Bench, Common Pleas, and Exchequer.

Senior Clerk in the Offices of the Associates in the Queen's Bench, Common Pleas, and Exchequer.

Junior Clerks in those Offices.

Clerk of Assize for the Performance of the Duties of Associate on the Northern Circuit.

Clerk of Assize for the Performance of the Duties of Associate on the Western Circuit.

Clerk of Assize for the Performance of the Duties of Associate on the Oxford Circuit.

Clerk of Assize for the Performance of the Duties of Associate on the Midland Circuit.

Clerk of Assize for the Performance of the Duties of Associate on the Home Circuit.

Clerk of Assize for the Performance of the Duties of Associate on the Norfolk Circuit.

Clerk of Assize for the Performance of the Duties of Associate on the North Wales Circuit.

Clerk of Assize for the Performance of the Duties of Associate on the South Wales Circuit.

#### JUDGES CLERKS.

Principal Clerks of the Lord Chief Justices of the Queen's Bench and Common Pleas, and Lord Chief Baron of the Exchequer.

Chamber Clerks to the same.

Third Clerks to the same.

Principal Clerks to the other Judges and Barons.

Chamber Clerks to the same.

#### SCHEDULE (C.)

Associates in the Courts of Queen's Bench, Common Pleas, and Exchequer.

Marshals on the Circuits.

Clerks of Assize as Associates.

Judges Clerks.

## C A P. LXXIV.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain and Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers.

[30th June 1852.]

[*This Act is the same, except as to Dates, as 14 & 15 Vict. c. 58.*]

## C A P. LXXV.

An Act to suspend the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.

[30th June 1852.]

[*This Act is the same, except as to Dates, as 14 & 15 Vict. c. 32.*]

## C A P. LXXVI.

An Act to amend the Process, Practice, and Mode of Pleading in the Superior Courts of Common Law at *Westminster*, and in the Superior Courts of the Counties Palatine of *Lancaster and Durham*.

[30th June 1852.]

‘WHEREAS the Process, Practice, and Mode of Pleading in the Superior Courts of Common Law at *Westminster* may be rendered more simple and speedy:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I The Provisions of this Act shall come into operation on the Twenty-fourth Day of *October* in the Year of our Lord One thousand eight hundred and fifty-two. Commencement of Act.

And with respect to the Writs for the Commencement of Personal Actions in the said Courts against Defendants, whether in or out of the Jurisdiction of the Courts, be it enacted as follows : Writs for Commencement of Actions.

II All Personal Actions brought in Her Majesty’s Superior Courts of Common Law, where the Defendant is residing or supposed to reside within the Jurisdiction of the said Court, shall be commenced by Writ of Summons in the Form contained in the Schedule (A.) to this Act annexed, marked No. 1., and in every such Writ and Copy thereof the Place and County of the Residence or supposed Residence of the Party Defendant, or wherein the Defendant shall be or shall be supposed to be, shall be mentioned; and such Writ shall be issued by any One of the Officers of the said Courts respectively by whom like Process hath been heretofore issued from such Court, or by such other Officer as the Court shall direct. Personal Actions how to be commenced.

III It



But the Defendant shall be at liberty, notwithstanding such Payment, to have the Costs taxed, and if more than One Sixth shall be disallowed, the Plaintiff's Attorney shall pay the Costs of Taxation.

IX. The Plaintiff in any such Action may, at any Time during Six Months from the issuing of the original Writ of Summons, issue One or more concurrent Writ or Writs, each concurrent Writ to bear Teste of the same Day as the original Writ, and to be marked with a Seal bearing the Word "concurrent," and the Date of issuing the concurrent Writ; and such Seal shall be provided and kept for that Purpose at the Offices of the Masters of the said Courts, and shall be impressed upon the Writ by the proper Officer of the Court out of which the original Writ issued: Provided always, that such concurrent Writ or Writs shall only be in force for the Period during which the original Writ in such Action shall be in force.

Concurrent  
Writs may be  
issued.

X. From the Time when this Act shall commence and take effect, so much of a certain Act of Parliament passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for Uniformity of Process in Personal Actions in His Majesty's Courts of Law at Westminster*, as relates to the Duration of Writs, and to alias and pluries Writs, and to the Proceedings necessary for making the First Writ in any Action available to prevent the Operation of any Statute whereby the Time for the Commencement of any Action may be limited, shall be repealed, except so far as may be necessary for supporting any Writs that have been issued before the Commencement of this Act, and any Proceedings taken or to be taken thereon.

From Com-  
mencement of  
this Act certain  
Provisions of  
2 W. 4. c. 39.  
repealed.

XI. No original Writ of Summons shall be in force for more than Six Months from the Day of the Date thereof, including the Day of such Date; but if any Defendant therein named may not have been served therewith, the original or concurrent Writ of Summons may be renewed at any Time before its Expiration, for Six Months from the Date of such Renewal, and so from Time to Time during the Currency of the renewed Writ, by being marked with a Seal, bearing the Date of the Day, Month, and Year of such Renewal, such Seal to be provided and kept for that Purpose at the Offices of the Masters of the said Superior Courts, and to be impressed upon the Writ by the proper Officer of the Court out of which such Writ issued, upon Delivery to him by the Plaintiff or his Attorney of a *Præcipe* in such Form as has heretofore been required to be delivered upon the obtaining of an alias Writ; and a Writ of Summons so renewed shall remain in force and be available to prevent the Operation of any Statute whereby the Time for the Commencement of the Action may be limited, and for all other Purposes, from the Date of the issuing of the original Writ of Summons.

Renewal of  
Writs of Sum-  
mons to save the  
Statute of Li-  
mitation, and  
for other Pur-  
poses.

XII. Where any Writ of Summons in any such Action shall have been issued before, and shall be in force at, the Commencement of this Act, such Writ may at any Time before the Expiration thereof be renewed under the Provisions of and in the Manner directed by this Act; and where any Writ, issued in continuation of a preceding Writ according to the Provisions of the said Act of His late Majesty King *William* the Fourth, shall be in

Renewal of  
Writs issued  
before this Act.

in force and unexpired, or where One Month next after the Expiration thereof shall not have elapsed at the Commencement of this Act, such continuing Writ may, without being returned non est inventus, or entered of Record according to the Provisions of the said Act of His late Majesty King *William* the Fourth, be filed in the Office of the Court within One Month next after the Expiration of such Writ, or within Twenty Days after the Commencement of this Act; and the original Writ of Summons in such Action may thereupon, but within the same Period of One Month next after the Expiration of the continuing Writ, or within Twenty Days after the Commencement of this Act, be renewed under the Provisions of and in the Manner directed by this Act; and every such Writ shall after such Renewal have the same Duration and Effect for all Purposes, and shall, if necessary, be subsequently renewed, in the same Manner as if it had originally issued under the Authority of this Act.

Production of renewed Writ Evidence of Commencement of Action.

XIII. The Production of a Writ of Summons purporting to be marked with the Seal of the Court, showing the same to have been renewed according to this Act, shall be sufficient Evidence of its having been so renewed, and of the Commencement of the Action as of the First Date of such renewed Writ for all Purposes.

Service of Writ.

XIV. The Writ of Summons in any Action may be served in any County.

Indorsement of Service to be made.

XV. The Person serving the Writ of Summons shall and he is hereby required, within Three Days at least after such Service, to indorse on the Writ the Day of the Month and Week of the Service thereof, otherwise the Plaintiff shall not be at liberty, in case of Nonappearance, to proceed under this Act; and every Affidavit of Service of such Writ shall mention the Day on which such Indorsement was made.

As to Service of Writ on Corporation and Inhabitants of Hundreds and Towns.

XVI. Every such Writ of Summons issued against a Corporation Aggregate may be served on the Mayor or other Head Officer, or on the Town Clerk, Clerk, Treasurer, or Secretary of such Corporation; and every such Writ issued against the Inhabitants of a Hundred or other like District may be served on the High Constable thereof, or any One of the High Constables thereof; and every such Writ issued against the Inhabitants of any County of any City or Town, or the Inhabitants of any Franchise, Liberty, City, Town, or Place not being Part of a Hundred or other like District, on some Peace Officer thereof.

Proceedings where personal Service cannot be effected, but Defendant knows of the Writ, and evades Service.

XVII. The Service of the Writ of Summons, wherever it may be practicable, shall, as heretofore, be personal; but it shall be lawful for the Plaintiff to apply from Time to Time, on Affidavit, to the Court out of which the Writ of Summons issued, or to a Judge; and in case it shall appear to such Court or Judge that reasonable Efforts have been made to effect personal Service, and either that the Writ has come to the Knowledge of the Defendant, or that he wilfully evades Service of the same, and has not appeared thereto, it shall be lawful for such Court or Judge to order that the Plaintiff be at liberty to proceed as if personal Service had been effected, subject to such Conditions as to the Court or Judge may seem fit.

As to Actions against British Subjects re-

XVIII. In case any Defendant, being a *British* Subject, is residing out of the Jurisdiction of the said Superior Courts, in any Place

Place except in *Scotland* or *Ireland*, it shall be lawful for the Plaintiff to issue a Writ of Summons in the Form contained in the Schedule (A.) to this Act annexed, marked No. 2., which Writ shall bear the Indorsement contained in the said Form, purporting that such Writ is for Service out of the Jurisdiction of the said Superior Courts; and the Time for Appearance by the Defendant to such Writ shall be regulated by the Distance from *England* of the Place where the Defendant is residing; and it shall be lawful for the Court or Judge, upon being satisfied by Affidavit that there is a Cause of Action, which arose within the Jurisdiction, or in respect of the Breach of a Contract made within the Jurisdiction, and that the Writ was personally served upon the Defendant, or that reasonable Efforts were made to effect personal Service thereof upon the Defendant, and that it came to his Knowledge, and either that the Defendant wilfully neglects to appear to such Writ, or that he is living out of the Jurisdiction of the said Courts, in order to defeat and delay his Creditors, to direct from Time to Time that the Plaintiff shall be at liberty to proceed in the Action in such Manner and subject to such Conditions as to such Court or Judge may seem fit, having regard to the Time allowed for the Defendant to appear being reasonable, and to the other Circumstances of the Case: Provided always, that the Plaintiff shall and he is hereby required to prove the Amount of the Debt or Damages claimed by him in such Action, either before a Jury upon a Writ of Inquiry, or before One of the Masters of the said Superior Courts in the Manner herein-after provided, according to the Nature of the Case, as such Court or Judge may direct; and the making such Proof shall be a Condition precedent to his obtaining Judgment.

siding out of  
the Jurisdiction  
of Superior  
Courts.

XIX. In any Action against a Person residing out of the Jurisdiction of the said Courts, and not being a *British* Subject, the like Proceedings may be taken as against a *British* Subject resident out of the Jurisdiction, save, that in lieu of the Form of Writ of Summons in the Schedule (A.) to this Act annexed marked No. 2., the Plaintiff shall issue a Writ of Summons according to the Form contained in the said Schedule (A.) marked No. 3., and shall in manner aforesaid serve a Notice of such last-mentioned Writ upon the Defendant therein mentioned, which Notice shall be in the Form contained in the said Schedule also marked No. 3.; and such Service shall be of the same Force and Effect as the Service of the Writ of Summons in any Action against a *British* Subject resident abroad, and by Leave of the Court or a Judge, upon their or his being satisfied by Affidavit as aforesaid, the like Proceedings may be had and taken thereupon.

As to Actions  
against Foreign-  
ers residing out  
of the Jurisdic-  
tion of Superior  
Courts.

XX. If the Plaintiff or his Attorney shall omit to insert in or indorse on any Writ or Copy thereof any of the Matters required by this Act to be inserted therein or indorsed thereon, such Writ or Copy thereof shall not on that Account be held void, but it may be set aside as irregular, or amended, upon Application to be made to the Court out of which the same shall issue, or to a Judge; and such Amendment may be made, upon any Application to set aside the Writ, upon such Terms as to the Court or Judge may seem fit.

Omission to in-  
sert or indorse  
Matters in or on  
Writ not to nul-  
lify it.



Substitution by Mistake, &c. of One Form of Writ for another may be by Judge without Costs.

XXI. If either of the Forms of Writ of Summons contained in the Schedule (A.) to this Act annexed, and marked respectively Nos. 1, 2, and 3, shall by Mistake or Inadvertence be substituted for any other of them, such Mistake or Inadvertence shall not be an Objection to the Writ or any other Proceeding in such Action, but the Writ may, upon an *ex parte* Application to a Judge, whether before or after any Application to set aside such Writ or any Proceeding thereon, and whether the same or Notice thereof shall have been served or not, be amended by such Judge without Costs.

Writs for Service in and out of Jurisdiction.

XXII. A Writ for Service within the Jurisdiction may be issued and marked as a concurrent Writ with One for Service out of the Jurisdiction, and a Writ for Service out of the Jurisdiction may be issued and marked as a concurrent Writ with One for Service within the Jurisdiction.

Affidavits in certain Cases may be sworn before a Consul, &c.

XXIII. Any Affidavit for the Purpose of enabling the Court or a Judge to direct Proceedings to be taken against a Defendant residing out of the Jurisdiction of the said Courts may be sworn before any Consul General, Consul, Vice-Consul, or Consular Agent for the Time being, appointed by Her Majesty at any Foreign Port or Place; and every Affidavit so sworn by virtue of this Act may be used and shall be admitted in Evidence, saving all just Exceptions, provided it purport to be signed by such Consul General, Consul, Vice-Consul, or Consular Agent, upon Proof of the official Character and Signature of the Person appearing to have signed the same: Provided always, that if any Person shall forge the Signature of any such Affidavit, or shall use or tender in Evidence any such Affidavit with a false or counterfeit Signature thereto, knowing the same to be false or counterfeit, he shall be guilty of Felony, and shall upon Conviction be liable to Transportation for Seven Years, or to Imprisonment for any Term not exceeding Three Years, nor less than One Year, with Hard Labour; and every Person who shall be charged with committing any Felony under this Act may be dealt with, indicted, tried, and, if convicted, sentenced, and his Offence may be laid and charged to have been committed in the County or Place in which he shall be apprehended or be in Custody; and every Accessory before or after the Fact to any such Offence may be dealt with, indicted, tried, and, if convicted, sentenced, and his Offence may be laid and charged to have been committed, in any County or Place in which the principal Offender may be tried: Provided also, that if any Person shall wilfully and corruptly make a false Affidavit before such Consul General, Consul, Vice-Consul, or Consular Agent, every Person so offending shall be deemed and taken to be guilty of Perjury, in like Manner as if such false Affidavit had been made in *England* before competent Authority, and shall and may be dealt with, indicted, tried, and, if convicted, sentenced, and his Offence may be laid and charged to have been committed, in any County or Place in which he shall be apprehended or be in Custody, as if his Offence had been actually committed in that County or Place.

Distringas to compel Appearance or to proceed to Outlawry abolished.

XXIV. From the Time when this Act shall commence and take effect, so much of the said Act of His late Majesty King *William* the Fourth as relates to the Writ of Distringas, and the proceeding thereon.

thereon, whether for the Purpose of compelling Appearance or for Proceedings to Outlawry, shall be repealed, except so far as may be necessary for the Purpose of giving Effect to Proceedings already taken, or to be taken after the Commencement of this Act, under or by reason of any Writ of Distringas issued before the Commencement of this Act, or under any Rule or Order authorizing the issuing of such Writ, and made before the Commencement of this Act.

XXV. In all Cases where the Defendant resides within the Jurisdiction of the Court, and the Claim is for a Debt or liquidated Demand in Money, with or without Interest, arising upon a Contract, express or implied, as, for instance, on a Bill of Exchange, Promissory Note, or Cheque, or other Simple Contract Debt, or on a Bond or Contract under Seal for Payment of a liquidated Amount of Money, or on a Statute where the Sum sought to be recovered is a fixed Sum of Money, or in the Nature of a Debt, or on a Guarantee, whether under Seal or not, where the Claim against the Principal is in respect of such Debt or liquidated Demand, Bill, Cheque, or Note, the Plaintiff shall be at liberty to make upon the Writ of Summons and Copy thereof a special Indorsement of the Particulars of his Claim, in the Form contained in the Schedule (A.) to this Act annexed, marked No. 4., or to the like Effect; and when a Writ of Summons has been indorsed in the special Form herein-before mentioned, the Indorsement shall be considered as Particulars of Demand, and no further or other Particulars of Demand need be delivered, unless ordered by the Court or a Judge.

Special Indorsement of the Particulars of Debts or liquidated Demands may be made on the Writ.

Special Indorsement to stand for Particulars of Demand.

And with respect to the Appearance of the Defendant, and Proceedings of the Plaintiff in default of Appearance, be it enacted as follows:

*Appearance and Proceedings in default of Appearance.*

XXVI. From the Time when this Act shall commence and take effect, so much of a certain Act of Parliament passed in the Twelfth Year of the Reign of His late Majesty King George the First, intituled *An Act to prevent frivolous and vexatious Arrests*, and so much of the said Act of His late Majesty King William the Fourth as relates to the entering an Appearance for the Defendant by the Plaintiff in any Action in any of the said Superior Courts, shall be repealed, except so far as may be necessary to support Proceedings heretofore taken, and no Appearance need be entered by the Plaintiff for the Defendant.

Appearance according to Provisions of 12 G. 1. c. 29. and 2 W. 4. c. 39. abolished.

XXVII. In case of Nonappearance by the Defendant, where the Writ of Summons is indorsed in the special Form herein-before provided, it shall and may be lawful for the Plaintiff, on filing an Affidavit of personal Service of the Writ of Summons, or a Judge's Order for Leave to proceed under the Provisions of this Act, and a Copy of the Writ of Summons, at once to sign final Judgment in the Form contained in the Schedule (A.) to this Act annexed, marked No. 5., (on which Judgment no Proceeding in Error shall lie,) for any Sum not exceeding the Sum indorsed on the Writ, together with Interest at the Rate specified, if any, to the Date of the Judgment, and a Sum for Costs, (to be fixed by the Masters of the said Superior Courts, or any Three of them, subject to the Approval of the Judges thereof, or any Eight of them, of whom

Final Judgment upon Writ specially indorsed in default of Appearance.

the Lord Chief Justices and the Lord Chief Baron shall be Three,) unless the Plaintiff claim more than such fixed Sum, in which Case the Costs shall be taxed in the ordinary Way; and the Plaintiff may upon such Judgment issue Execution at the Expiration of Eight Days from the last Day for Appearance, and not before: Provided always, that it shall be lawful for the Court or a Judge, either before or after final Judgment, to let in the Defendant to defend upon an Application, supported by satisfactory Affidavits accounting for the Nonappearance, and disclosing a Defence upon the Merits.

**Judgment for Nonappearance where the Writ is not indorsed in the special Form.**

**XXVIII.** In case of such Nonappearance, where the Writ of Summons is not indorsed in the special Form herein-before provided, it shall and may be lawful for the Plaintiff, on filing an Affidavit of personal Service of the Writ of Summons, or a Judge's Order for Leave to proceed under the Provisions of this Act, and a Copy of the Writ of Summons, to file a Declaration indorsed with a Notice to plead in Eight Days, and to sign Judgment by Default at the Expiration of the Time to plead, so indorsed as aforesaid; and in the event of no Plea being delivered, where the Cause of Action mentioned in the Declaration is for any of the Claims which might have been inserted in the special Indorsement on the Writ of Summons herein-before provided, and the Amount claimed is indorsed on the Writ of Summons, the Judgment shall be final, and Execution may issue for an Amount not exceeding the Amount indorsed on the Writ of Summons, with Interest at the Rate specified, if any, and the Sum fixed by the Masters for Costs, as herein-before mentioned, unless the Plaintiff claim more, in which Case the Costs shall be taxed in the ordinary Way: Provided always, that in such Case the Plaintiff shall not be entitled to more Costs than if he had made such special Indorsement, and signed Judgment upon Nonappearance.

**Appearance to be entered at any Time before Judgment.**

**XXIX.** The Defendant may appear at any Time before Judgment, and if he appear after the Time specified either in the Writ of Summons, or in any Rule or Order to proceed as if personal Service had been effected, he shall, after Notice of such Appearance to the Plaintiff or his Attorney, as the Case may be, be in the same Position as to Pleadings and other Proceedings in the Action as if he had appeared in Time: Provided always, that a Defendant appearing after the Time appointed by the Writ shall not be entitled to any further Time for pleading or any other Proceeding than if he had appeared within such appointed Time.

**Appearance by the Defendant in Person to give an Address at which Proceedings may be served.**

**XXX.** Every Appearance by the Defendant in Person shall give an Address, at which it shall be sufficient to leave all Pleadings and other Proceedings not requiring personal Service; and if such Address be not given the Appearance shall not be received; and if an Address so given shall be illusory or fictitious, the Appearance shall be irregular, and may be set aside by the Court or a Judge, and the Plaintiff may be permitted to proceed by sticking up the Proceedings in the Master's Office without further Service.

**Mode of Appearance to Writ of Summons.**

**XXXI.** The Mode of Appearance to every such Writ of Summons, or under the Authority of this Act, shall be by delivering a Memorandum in Writing according to the following Form, or to the like Effect:

"A,

"*A*, Plaintiff, against *C.D.*  
or  
against *C.D.* and another,  
or  
against *C.D.* and others." } The Defendant *C.D.* appears in Person.  
*E.F.*, Attorney for *C.D.*, appears for him.

[If the Defendant appears in Person here give his Address.]  
Entered the                      Day of                      18 ."

Such Memorandum to be delivered to the proper Officer or Person in that Behalf, and to be dated on the Day of the Delivery thereof.

**XXXII.** All such Proceedings as are mentioned in any Writ or Notice issued under this Act shall and may be had and taken in default of a Defendant's Appearance.

**Proceedings  
may be taken in  
default.**

XXXIII. In any Action brought against Two or more Defendants, where the Writ of Summons is indorsed in the special Form herein-before provided, if One or more of such Defendants only shall appear, and another or others of them shall not appear, it shall and may be lawful for the Plaintiff to sign Judgment against such Defendant or Defendants only as shall not have appeared, and, before Declaration against the other Defendant or Defendants, to issue Execution thereupon, in which Case he shall be taken to have abandoned his Action against the Defendant or Defendants who shall have appeared ; or the Plaintiff may, before issuing such Execution, declare against such Defendant or Defendants as shall have appeared, stating, by way of Suggestion, the Judgment obtained against the other Defendant or Defendants who shall not have appeared, in which Case the Judgment so obtained against the Defendant or Defendants who shall not have appeared shall operate and take effect in like Manner as a Judgment by Default obtained before the Commencement of this Act against One or more of the several Defendants in an Action of Debt before the Commencement of this Act.

**Proceedings where only some of the Defendants appear to a Writ specially indorsed.**

And with respect to the Joinder of Parties to Actions, be it enacted as follows :

### ***Joinder of Parties.***

XXXIV. It shall and may be lawful for the Court or a Judge, at any Time before the Trial of any Cause, to order that any Person or Persons, not joined as Plaintiff or Plaintiffs in such Cause, shall be so joined, or that any Person or Persons, originally joined as Plaintiff or Plaintiffs, shall be struck out from such Cause, if it shall appear to such Court or Judge that Injustice will not be done by such Amendment, and that the Person or Persons, to be added as aforesaid, consent, either in Person or by Writing, under his, her, or their Hands, to be so joined, or that the Person or Persons, to be struck out as aforesaid, were originally introduced without his, her, or their Consent, or that such Person or Persons consent in Manner aforesaid to be so struck out; and such Amendment shall be made upon such Terms as to the Amendment of the Pleadings (if any), Postponement of the Trial, and otherwise, as the Court or Judge by whom such Amendment is made shall think proper; and when any such Amendment shall have been made, the Liability of any Person or Persons, who shall have been added as Co-plaintiff or Co-plaintiffs, shall, subject to any Terms imposed as aforesaid, be the same as if such Person or Persons had been originally joined in such Cause.

**Nonjoinder and Misjoinder of Plaintiffs may be amended before Trial.**

Nonjoinder and  
Misjoinder of  
Plaintiffs may  
be amended at  
the Trial, as  
in Cases of  
Amendments of  
Variances under  
3 & 4 W. 4. c. 42.

XXXV. In case it shall appear at the Trial of any Action that there has been a Misjoinder of Plaintiffs, or that some Person or Persons, not joined as Plaintiff or Plaintiffs, ought to have been so joined, and the Defendant shall not, at or before the Time of pleading, have given Notice in Writing that he objects to such Nonjoinder, specifying therein the Name or Names of such Person or Persons, such Misjoinder or Nonjoinder may be amended, as a Variance, at the Trial by any Court of Record holding Plea in Civil Actions, and by any Judge sitting at Nisi Prius, or other presiding Officer, in like Manner as to the Mode of Amendment, and Proceedings consequent thereon, or as near thereto as the Circumstances of the Case will admit, as in the Case of Amendments of Variances under an Act of Parliament passed in the Session of Parliament held in the Third and Fourth Years of the Reign of His late Majesty King *William the Fourth*, intituled *An Act for the further Amendment of the Law, and the better Advancement of Justice*, if it shall appear to such Court, or Judge, or other presiding Officer, that such Misjoinder or Nonjoinder was not for the Purpose of obtaining an undue Advantage, and that Injustice will not be done by such Amendment, and that the Person or Persons, to be added as aforesaid, consent, either in Person or by Writing, under his, her, or their Hands, to be so joined, or that the Person or Persons, to be struck out as aforesaid, were originally introduced without his, her, or their Consent, or that such Person or Persons consent, in manner aforesaid, to be so struck out; and such Amendment shall be made upon such Terms as the Court, or Judge, or other presiding Officer, by whom such Amendment is made, shall think proper; and when any such Amendment shall have been made, the Liability of any Person or Persons, who shall have been added as Co-plaintiff or Co-plaintiffs, shall, subject to any Terms imposed as aforesaid, be the same as if such Person or Persons had been originally joined in such Action.

Upon Notice or  
Plea of Non-  
joinder of Plain-  
tiffs, Proceed-  
ings may be  
amended.

XXXVI. In case such Notice be given, or any Plea in Abatement of Nonjoinder of a Person or Persons as Co-plaintiff or Co-plaintiffs, in Cases where such Plea in Abatement may be pleaded, be pleaded by the Defendant, the Plaintiff shall be at liberty, without any Order, to amend the Writ and other Proceedings before Plea, by adding the Name or Names of the Person or Persons named in such Notice or Plea in Abatement, and to proceed in the Action without any further Appearance, on Payment of the Costs of, and occasioned by such Amendment only, and in such Case the Defendant shall be at liberty to plead *de novo*.

Misjoinder of  
Defendants may  
be amended  
before or at  
Trial.

XXXVII. It shall and may be lawful for the Court or a Judge in the Case of the Joinder of too many Defendants in any Action on Contract, at any Time before the Trial of such Cause, to order that the Name or Names of One or more of such Defendants be struck out, if it shall appear to such Court or Judge that Injustice will not be done by such Amendment; and the Amendment shall be made upon such Terms as the Court or Judge, by whom such Amendment is made, shall think proper; and in case it shall appear at the Trial of any Action on Contract that there has been a Misjoinder of Defendants, such Misjoinder may be amended, as a Variance, at the Trial, in like Manner as the Misjoinder of Plaintiffs has been herein-before directed to be amended, and upon such Terms

Terms as the Court, or Judge, or other presiding Officer, by whom such Amendment is made, shall think proper.

**XXXVIII.** In any Action on Contract where the Nonjoinder of any Person or Persons as a Co-Defendant or Co-Defendants has been pleaded in Abatement, the Plaintiff shall be at liberty, without any Order, to amend the Writ of Summons and the Declaration, by adding the Name or Names of the Person or Persons named in such Plea in Abatement as Joint Contractors, and to serve the amended Writ upon the Person or Persons so named in such Plea in Abatement, and to proceed against the original Defendant or Defendants, and the Person or Persons so named in such Plea in Abatement: Provided that the Date of such Amendment shall, as between the Person or Persons so named in such Plea in Abatement and the Plaintiff, be considered for all Purposes as the Commencement of the Action.

Upon Plea in Abatement for Nonjoinder of Defendants, Proceedings may be amended.

**XXXIX.** In all Cases after such Plea in Abatement and Amendment, if it shall appear upon the Trial of the Action that the Person or Persons so named in such Plea in Abatement was or were jointly liable with the original Defendant or Defendants, the original Defendant or Defendants shall be entitled as against the Plaintiff to the Costs of such Plea in Abatement and Amendment; but if at such Trial it shall appear that the original Defendant or any of the original Defendants is or are liable, but that One or more of the Persons named in such Plea in Abatement is or are not liable as a contracting Party or Parties, the Plaintiff shall nevertheless be entitled to Judgment against the other Defendant or Defendants who shall appear to be liable; and every Defendant who is not so liable shall have Judgment, and shall be entitled to his Costs as against the Plaintiff, who shall be allowed the same, together with the Costs of the Plea in Abatement and Amendment, as Costs in the Cause against the original Defendant or Defendants who shall have so pleaded in Abatement the Nonjoinder of such Person: Provided that any such Defendant who shall have so pleaded in Abatement shall be at liberty on the Trial to adduce Evidence of the Liability of the Defendants named by him in such Plea in Abatement.

Provision in the Case of subsequent Proceedings against the Persons named in a Plea in Abatement for Nonjoinder of Defendants.

**XL.** In any Action brought by a Man and his Wife for an Injury done to the Wife, in respect of which she is necessarily joined as Co-Plaintiff, it shall be lawful for the Husband to add thereto Claims in his own Right, and separate Actions brought in respect of such Claims may be consolidated, if the Court or a Judge shall think fit: Provided that in the Case of the Death of either Plaintiff such Suit, so far only as relates to the Causes of Action, if any, which do not survive, shall abate.

Joinder of Claims by Husband and Wife with Claims in right of Husband.

And with respect to Joinder of Causes of Action, be it enacted as follows:

Joinder of Causes of Action.

**XLI.** Causes of Action, of whatever kind, provided they be by and against the same Parties and in the same Rights, may be joined in the same Suit; but this shall not extend to Replevin or Ejectment; and where Two or more of the Causes of Action so joined are local, and arise in different Counties, the Venue may be laid in either of such Counties; but the Court or a Judge shall have Power to prevent the Trial of different Causes of Action

Different Causes of Action may be joined, but separate Trials may be ordered.

together, if such Trial would be inexpedient, and in such Case such Court or Judge may order separate Records to be made up, and separate Trials to be had.

*Questions by  
Consent without  
pleading.*

Questions of  
Fact may, after  
Writ issued, by  
Consent and  
Leave of a  
Judge, be raised  
without Plead-  
ings.

And for the Determination of Questions raised by Consent of the Parties without Pleading, be it enacted as follows :

**XLII.** Where the Parties to an Action are agreed as to the Question or Questions of Fact to be decided between them, they may, after Writ issued, and before Judgment, by Consent, and Order of a Judge, (which Order any Judge shall have Power to make, upon being satisfied that the Parties have a *bond fide* Interest in the Decision of such Question or Questions, and that the same is or are fit to be tried,) proceed to the Trial of any Question or Questions of Fact without formal Pleadings ; and such Question or Questions may be stated for Trial in an Issue in the Form contained in the Schedule (A.) to this Act annexed, marked No. 6, and such Issue may be entered for Trial and tried accordingly in the same Manner as any Issue joined in an ordinary Action ; and the Proceedings in such Action and Issue shall be under and subject to the ordinary Control and Jurisdiction of the Court, as in other Actions.

Agreement may  
be made for pay-  
ing Money and  
Costs according  
to Result of  
Issue.

**XLIII.** The Parties may, if they think fit, enter into an Agreement in Writing, which shall not be subject to any Stamp Duty, and which shall be embodied in the said or any subsequent Order, that upon the Finding of the Jury in the affirmative or negative of such Issue or Issues, a Sum of Money fixed by the Parties, or to be ascertained by the Jury upon a Question inserted in the Issue for that Purpose, shall be paid by One of such Parties to the other of them, either with or without the Costs of the Action.

Judgment to be  
entered accord-  
ing to Agree-  
ment, and Exe-  
cution issued,  
unless stayed.

**XLIV.** Upon the Finding of the Jury in any such Issue, Judgment may be entered for such Sum as shall be so agreed or ascertained as aforesaid, with or without Costs, as the Case may be, and Execution may issue upon such Judgment forthwith, unless otherwise agreed, or unless the Court or a Judge shall otherwise order for the Purpose of giving either Party an Opportunity for moving to set aside the Verdict, or for a new Trial.

Proceedings  
upon Issue may  
be recorded.

**XLV.** The Proceedings upon such Issue may be recorded at the Instance of either Party, and the Judgment, whether actually recorded or not, shall have the same Effect as any other Judgment in a contested Action.

Questions of  
Law may be  
raised after Writ  
issued, &c.

**XLVI.** The Parties may, after Writ issued, and before Judgment, by Consent, and Order of a Judge, state any Question or Questions of Law in a Special Case for the Opinion of the Court, without any Pleadings.

Agreement as  
to Payment of  
Money and  
Costs, according  
to Judgment  
upon Special  
Case.

**XLVII.** The Parties may, if they think fit, enter into an Agreement in Writing, which shall not be subject to any Stamp Duty, and which shall be embodied in the said or any subsequent Order, that upon the Judgment of the Court being given in the affirmative or negative of the Question or Questions of Law raised by such Special Case, a Sum of Money, fixed by the Parties, or to be ascertained by the Court, or in such Manner as the Court may direct, shall be paid by One of such Parties to the other of them, either with or without Costs of the Action ; and the Judgment of the Court may be entered for such Sum as shall be so agreed or ascertained,

ascertained, with or without Costs, as the Case may be, and Execution may issue upon such Judgment forthwith, unless otherwise agreed, or unless stayed by Proceedings in Error.

XLVIII. In case no Agreement shall be entered into as to the Costs of such Action, the Costs shall follow the Event, and be recovered by the successful Party.

Costs to follow  
the Event, &c.

And with respect to the Language and Form of Pleadings in general, be it enacted as follows :

*Pleadings in  
general.*

XLIX. All Statements which need not be proved, such as the Statement of Time, Quantity, Quality, and Value, where these are immaterial ; the Statement of losing and finding, and Bailment, in Actions for Goods or their Value ; the Statement of Acts of Trespass having been committed with Force and Arms, and against the Peace of our Lady the Queen ; the Statement of Promises which need not be proved, as Promises in Indebitatus Counts, and mutual Promises to perform Agreements ; and all Statements of a like kind, shall be omitted.

Fictitious and  
needless Aver-  
ments not to be  
made.

L. Either Party may object by Demurrer to the Pleading of the opposite Party, on the Ground that such Pleading does not set forth sufficient Ground of Action, Defence, or Reply, as the Case may be ; and where Issue is joined on such Demurrer, the Court shall proceed and give Judgment according as the very Right of the Cause and Matter in Law shall appear unto them, without regarding any Imperfection, Omission, Defect in or Lack of Form ; and no Judgment shall be arrested, stayed, or reversed for any such Imperfection, Omission, Defect in or Lack of Form.

Judgment upon  
Demurrer to be  
given according  
to the very  
Right of the  
Cause.

LI. No Pleading shall be deemed insufficient for any Defect which could heretofore only be objected to by Special Demurrer.

Special Demur-  
rer taken away.

LII. If any Pleading be so framed as to prejudice, embarrass, or delay the fair Trial of the Action, the opposite Party may apply to the Court or a Judge to strike out or amend such Pleading, and the Court or any Judge shall make such Order respecting the same, and also respecting the Costs of the Application, as such Court or Judge shall see fit.

Pleadings  
framed to em-  
barrass may be  
struck out or  
amended.

LIII. Rules to declare, or declare peremptorily, and Rules to reply, and plead subsequent Pleadings, shall not be necessary, and instead thereof a Notice shall be substituted requiring the opposite Party to declare, reply, rejoin, or as the Case may be, within Four Days, otherwise Judgment, such Notice to be delivered separately or indorsed on any Pleading to which the opposite Party is required to reply, rejoin, or as the Case may be.

Four Days  
Notice substi-  
tuted for Rule  
to declare, reply,  
or rejoin.

LIV. Every Declaration and other Pleading shall be entitled of the proper Court, and of the Day of the Month and the Year when the same was pleaded, and shall bear no other Time or Date, and every Declaration and other Pleading shall also be entered on the Record made up for Trial and on the Judgment Roll under the Date of the Day of the Month and Year when the same respectively took place, and without Reference to any other Time or Date, unless otherwise specially ordered by the Court or a Judge.

Pleadings to be  
dated and en-  
tered as of Time  
of Pleading,  
unless Order to  
the contrary.

LV. It shall not be necessary to make Profert of any Deed or other Document mentioned or relied on in any Pleading ; and if Profert shall be made it shall not entitle the opposite Party to crave Oyer of or set out upon Oyer such Deed or other Document.

Profert and  
Oyer abolished.

LVI. A Party



Document may be set out, and considered Part of Pleadings.

Averment of Performance of Conditions precedent.

#### Declaration.

Plaintiff to declare within a Year.

Forms of Commencement, &c. of Declaration.

Commencement of Declaration after Plea of Nonjoinder.

Declaration for Libel or Slander.

#### Pleas and Pleadings.

Rule to plead, &c. abolished.

Time for pleading, where Defendant is within Jurisdiction.

LVI. A Party pleading in answer to any Pleading in which any Document is mentioned or referred to shall be at liberty to set out the whole or such Part thereof as may be material, and the Matter so set out shall be deemed and taken to be Part of the Pleading in which it is set out.

LVII. It shall be lawful for the Plaintiff or Defendant in any Action to aver Performance of Conditions precedent generally, and the opposite Party shall not deny such Averment generally, but shall specify in his Pleading the Condition or Conditions precedent the Performance of which he intends to contest.

And with regard to the Time and Manner of declaring, and to Particulars of Demand, be it enacted as follows :

LVIII. A Plaintiff shall be deemed out of Court, unless he declare within One Year after the Writ of Summons is returnable.

LIX. Every Declaration shall commence as follows, or to the like Effect :

[Venue.] "*A.B. by E.F., his Attorney [or in Person, as the Case may be], sues C.D. for [here state the Cause of Action];*"

And shall conclude as follows, or to the like Effect :

"And the Plaintiff claims £ , [or, if the Action is brought to recover specific Goods, the Plaintiff claims a Return of the said Goods or their Value, and £ for their Detention]."

LX. In all Cases in which, after a Plea in Abatement of the Nonjoinder of another Person as Defendant, the Plaintiff shall, without having proceeded to Trial on an Issue thereon, commence another Action against the Defendant or Defendants in the Action in which such Plea in Abatement shall have been pleaded, and the Person or Persons named in such Plea in Abatement as joint Contractors, or shall amend by adding the omitted Defendant or Defendants, the Commencement of the Declaration shall be in the following Form, or to the like Effect :

[Venue.] "*A.B. by E.F., his Attorney [or in his own proper Person, &c.], sues C.D. and G.H., which said C.D. has heretofore pleaded in Abatement the Nonjoinder of the said G.H. for, &c.*"

LXI. In Actions of Libel and Slander the Plaintiff shall be at liberty to aver that the Words or Matter complained of were used in a defamatory Sense, specifying such defamatory Sense without any prefatory Averment to show how such Words or Matter were used in that Sense, and such Averment shall be put in issue by the Denial of the alleged Libel or Slander ; and where the Words or Matter set forth, with or without the alleged Meaning, show a Cause of Action, the Declaration shall be sufficient.

And as to Pleas and subsequent Pleadings, be it enacted as follows :

LXII. No Rule to plead or Demand of Plea shall be necessary, and the Notice to plead indorsed on the Declaration or delivered separately shall be sufficient.

LXIII. In Cases where the Defendant is within the Jurisdiction, the Time for pleading in Bar, unless extended by the Court or a Judge, shall be Eight Days ; and a Notice requiring the Defendant

to plead thereto in Eight Days, otherwise Judgment, may, whether the Declaration be delivered or filed, be indorsed upon the Declaration, or delivered separately.

LXIV. Express Colour shall no longer be necessary in any Pleading. Express Colour.

LXV. Special Traverses shall not be necessary in any Pleading. Special Traverses.

LXVI. In a Plea or subsequent Pleading it shall not be necessary to use any Allegation of Actionem non, or Actionem ulterius non, or to the like Effect, or any Prayer of Judgment, nor shall it be necessary in any Replication or subsequent Pleading, to use any Allegation of Precludi non, or to the like Effect, or any Prayer of Judgment. Formal Commencement and Prayer of Judgment unnecessary.

LXVII. No formal Defence shall be required in a Plea, or Avowry, or Cognizance, and it shall commence as follows, or to the like Effect : Commencement of Plea.

“ The Defendant by his Attorney [or in  
“ Person, or as the Case may be,] says that [here state  
“ First Defence]”

and it shall not be necessary to state in a Second or other Plea, or Avowry, or Cognizance, that it is pleaded by Leave of the Court or a Judge, or according to the Form of the Statute, or to that Effect ; but every such Plea, Avowry, or Cognizance shall be written in a separate Paragraph, and numbered, and shall commence as follows, or to the like Effect :

“ And for a Second [*&c.*] Plea the Defendant says, that [here  
“ state Second, *&c.* Defence] ;”

or if pleaded to Part only, then as follows, or to the like Effect :

“ And for a Second [*&c.*] Plea to [stating to what it is  
“ pleaded] the Defendant, says that,” *&c.*

and no formal Conclusion shall be necessary to any Plea, Avowry, Cognizance, or subsequent Pleading.

LXVIII. Any Defence arising after the Commencement of any Action shall be pleaded according to the Fact, without any formal Commencement or Conclusion ; and any Plea which does not state whether the Defence therein set up arose before or after Action shall be deemed to be a Plea of Matter arising before Action. Plea of Matter subsequent to Action.

LXIX. In Cases in which a Plea Puis darrein Continuance has heretofore been pleadable in Banc or at Nisi Prius, the same Defence may be pleaded, with an Allegation that the Matter arose after the last Pleading ; and such Plea may, when necessary, be pleaded at Nisi Prius, between the Tenth of August and Twenty-fourth of October ; but no such Plea shall be allowed unless accompanied by an Affidavit that the Matter thereof arose within Eight Days next before the pleading of such Plea, or unless the Court or a Judge shall otherwise order. Plea Puis darrein Continuance, when and how to be pleaded.

LXX. It shall be lawful for the Defendant in all Actions, (except Actions for Assault and Battery, false Imprisonment, Libel, Slander, Malicious Arrest or Prosecution, Criminal Conversation, or debauching of the Plaintiff's Daughter or Servant,) and, by Leave of the Court or a Judge, upon such Terms as they or he may think fit, for One or more of several Defendants to pay into Court a Sum of Money by way of Compensation or Amends : Provided that nothing herein contained shall be taken to affect the Provisions of a certain Act of Parliament passed in the Payment into Court in certain Actions.

the Session of Parliament holden in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act to amend the Law respecting defamatory Words and Libel.*

Payment into Court how pleaded.

LXXI. When Money is paid into Court, such Payment shall be pleaded in all Cases, as near as may be, in the following Form, *mutatis mutandis* :

“ The Defendant by his Attorney [*or in Person*  
“ &c.] [*if pleaded to part say, as to £*  
“ Parcel of the Money claimed], brings into Court the  
“ Sum of £ and says that the said Sum is  
“ enough to satisfy the Claim of the Plaintiff in respect  
“ of the Matter herein pleaded to.”

No Order to pay Money into Court.

LXXII. No Rule or Judge's Order to pay Money into Court shall be necessary, except in the Case of One or more of several Defendants, but the Money shall be paid to the proper Officer of each Court, who shall give a Receipt for the Amount in the Margin of the Plea, and the said Sum shall be paid out to the Plaintiff or to his Attorney, upon a written Authority from the Plaintiff, on Demand.

Proceeding by Plaintiff after Payment into Court.

LXXIII. The Plaintiff, after the Delivery of a Plea of Payment of Money into Court, shall be at liberty to reply to the same by accepting the Sum so paid into Court in full Satisfaction and Discharge of the Cause of Action in respect of which it has been paid in, and he shall be at liberty in that Case to tax his Costs of Suit, and, in case of Nonpayment thereof within Forty-eight Hours, to sign Judgment for his Costs of Suit so taxed, or the Plaintiff may reply that the Sum paid into Court is not enough to satisfy the Claim of the Plaintiff in respect of the Matter to which the Plea is pleaded ; and, in the event of an Issue thereon being found for the Defendant, the Defendant shall be entitled to Judgment and his Costs of Suit.

Pleas to Actions partaking both of Breach of Contract and Wrong.

LXXIV. ‘ Whereas certain Causes of Action may be considered to partake of the Character both of Breaches of Contract and of Wrongs, and Doubts may arise as to the Form of Pleas in such Actions, and it is expedient to preclude such Doubts :’ Any Plea, which shall be good in Substance, shall not be objectionable on the Ground of its treating the Declaration either as framed for a Breach of Contract, or for a Wrong.

Pleas of Payment, &c. which can be construed distributively shall be so construed.

LXXV. Pleas of Payment and Set-off, and all other Pleadings capable of being construed distributively, shall be taken distributively, and if Issue is taken thereon, and so much thereof as shall be sufficient Answer to Part of the Causes of Action proved shall be found true by the Jury, a Verdict shall pass for the Defendant in respect of so much of the Causes of Action as shall be answered, and for the Plaintiff in respect of so much of the Causes of Action as shall not be so answered.

Traverse of the Declaration.

LXXVI. A Defendant may either traverse generally such of the Facts contained in the Declaration as might have been denied by One Plea, or may select and traverse separately any material Allegation in the Declaration, although it might have been included in a general Traverse.

Traverse of Plea or subsequent Pleading of Defendant.

LXXVII. A Plaintiff shall be at liberty to traverse the whole of any Plea or subsequent Pleading of the Defendant by a general Denial,

Denial, or, admitting some Part or Parts thereof, to deny all the rest, or to deny any One or more Allegations.

LXXVIII. A Defendant shall be at liberty in like Manner to deny the whole or Part of a Replication or subsequent Pleading of the Plaintiff.

Traverse of Replication, &c. of Plaintiff.

LXXIX. Either Party may plead, in answer to the Plea or subsequent Pleading of his Adversary, that he joins Issue thereon, which Joinder of Issue may be as follows, or to the like Effect :

Joinder of Issue.

“ The Plaintiff joins Issue upon the Defendant's 1st [*&c., specifying what or what Part*] Plea :”

“ The Defendant joins Issue upon the Plaintiff's Replication to the 1st [*&c., specifying what*] Plea ;”

and such Form of Joinder of Issue shall be deemed to be a Denial of the Substance of the Plea or other subsequent Pleading, and an Issue thereon ; and in all Cases where the Plaintiff's Pleading is in Denial of the Pleading of the Defendant, or some Part of it, the Plaintiff may add a Joinder of Issue for the Defendant.

LXXX. Either Party may, by Leave of the Court or a Judge, plead and demur to the same Pleading at the same Time, upon an Affidavit by such Party, or his Attorney, if required by the Court or Judge, to the Effect that he is advised and believes that he has just Ground to traverse the several Matters proposed to be traversed by him, and that the several Matters sought to be pleaded as aforesaid by way of Confession and Avoidance are respectively true in Substance and in Fact, and that he is further advised and believes that the Objections raised by such Demurrer are good and valid Objections in Law, and it shall be in the Discretion of the Court or a Judge to direct which Issue shall be first disposed of.

As to pleading and demurring together.

LXXXI. The Plaintiff in any Action may, by Leave of the Court or a Judge, plead in answer to the Plea, or the subsequent Pleading of the Defendant, as many several Matters as he shall think necessary to sustain his Action ; and the Defendant in any Action may, by Leave of the Court or a Judge, plead in answer to the Declaration, or other subsequent Pleading of the Plaintiff, as many several Matters as he shall think necessary for his Defence, upon an Affidavit of the Party making such Application, or his Attorney, if required by the Court or Judge, to the Effect that he is advised and believes that he has just Ground to traverse the several Matters proposed to be traversed by him, and that the several Matters sought to be pleaded as aforesaid by way of Confession and Avoidance are respectively true in Substance and in Fact ; provided that the Costs of any Issue, either of Fact or Law, shall follow the Finding or Judgment upon such Issue, and be adjudged to the successful Party, whatever may be the Result of the other Issue or Issues.

Several Matters may be pleaded at any Stage of the Pleadings.

LXXXII. No Rule of Court for Leave to plead several Matters shall be necessary where a Judge's Order has been made for the same Purpose.

Judge's Order as to pleading several Matters.

LXXXIII. All Objections to the pleading of several Pleas, Replications, or subsequent Pleadings, or several Avowries or Cognizances, on the Ground that they are founded on the same Ground of Answer or Defence, shall be heard upon the Summons to plead several Matters.

Objections to be heard on Summons to plead several Matters.

LXXXIV. The

Certain Pleas may be pleaded together without Leave.

LXXXIV. The following Pleas, or any Two or more of them, may be pleaded together as of course, without Leave of the Court or a Judge; that is to say, a Plea denying any Contract or Debt alleged in the Declaration; a Plea of Tender as to Part; a Plea of the Statute of Limitations, Set-off, Bankruptcy of the Defendant, Discharge under an Insolvent Act, *Plenè administravit*, *Plenè administravit præter*, Infancy, Coverture, Payment, Accord and Satisfaction, Release, Not guilty, a Denial that the Property an Injury to which is complained of is the Plaintiff's, Leave and Licence, Son assault demesne, and any other Pleas which the Judges of the said Superior Courts, or any Eight or more of them, of whom the Chief Judges of the said Courts shall be Three, shall by any Rule or Order, to be from Time to Time by them made in Term or Vacation, order or direct.

Signature of Counsel.

LXXXV. The Signature of Counsel shall not be required to any Pleading.

For pleading several Matters without Leave, Judgment may be signed.

LXXXVI. Except in the Cases herein specifically provided for, if either Party plead several Pleas, Replications, Avowries, Cognizances, or other Pleadings, without Leave of the Court or a Judge, the opposite Party shall be at liberty to sign Judgment; provided that such Judgment may be set aside by the Court or a Judge, upon an Affidavit of Merits, and such Terms as to Costs and otherwise as they or he may think fit.

One new Assignment only allowed in respect of the same Cause of Action.

LXXXVII. One new Assignment only shall be pleaded to any Number of Pleas to the same Cause of Action; and such new Assignment shall be consistent with and confined by the Particulars delivered in the Action, if any, and shall state that the Plaintiff proceeds for Causes of Action different from all those which the Pleas profess to justify, or for an Excess over and above what all the Defences set up in such Pleas justify, or both.

Pleas not to be repeated.

LXXXVIII. No Plea, which has already been pleaded to the Declaration, shall be pleaded to such new Assignment, except a Plea in Denial, unless by Leave of the Court or a Judge; and such Leave shall only be granted upon satisfactory Proof that the Repetition of such Plea is essential to a Trial on the Merits.

Form of Demurrer and Joinder in Demurrer.

LXXXIX. The Form of a Demurrer, except in the Cases herein specifically provided for, shall be as follows, or to the like Effect:

"The Defendant, by his Attorney [*or*, in Person, &c., *or*, Plaintiff] says, that the Declaration [*or* Plea, &c.] is "bad in Substance;"

and in the Margin thereof some substantial Matter of Law intended to be argued shall be stated; and if any Demurrer shall be delivered without such Statement, or with a frivolous Statement, it may be set aside by the Court or a Judge, and Leave may be given to sign Judgment as for Want of a Plea; and the Form of a Joinder in Demurrer shall be as follows, or to the like Effect:

"The Plaintiff [*or*, Defendant] says that the Declaration [*or*, Plea, &c.,] is good in Substance."

Time for pleading after Amendment.

XC. Where an Amendment of any Pleading is allowed, no new Notice to plead thereto shall be necessary; but the opposite Party shall be bound to plead to the amended Pleading within the Time specified in the original Notice to plead, or within Two Days after Amendment, whichever shall last expire, unless otherwise ordered

ordered by the Court or a Judge; and in case the amended Pleading has been pleaded to before Amendment, and is not pleaded to *de novo* within Two Days after Amendment, or within such other Time as the Court or a Judge shall allow, the Pleadings originally pleaded thereto shall stand and be considered as pleaded in answer to such amended Pleading.

‘ And whereas it is desirable that Examples should be given of the Statements of Causes of Action, and of Forms of Pleading:’  
Be it enacted as follows:

*Examples  
of Pleading.*

XCI. The Forms contained in the Schedule (B.) to this Act annexed shall be sufficient, and those and the like Forms may be used, with such Modifications as may be necessary to meet the Facts of the Case; but nothing herein contained shall render it erroneous or irregular to depart from the Letter of such Forms, so long as the Substance is expressed without Prolivity.

Forms in Schedule may be adopted.

And with respect to Judgment by Default, and the Mode of ascertaining the Amount to be recovered thereupon, be it enacted as follows:

*Judgment by  
Default, &c.*

XCII. No Rule to compute shall be necessary or used; but nothing in this Act contained shall invalidate any Proceedings already taken or to be taken by reason of any Rule to compute made, or applied for, before the Commencement of this Act.

Rule to compute abolished.

XCIII. In Actions where the Plaintiff seeks to recover a Debt or liquidated Demand in Money, Judgment by Default shall be final.

Judgment by Default final.

XCIV. In Actions in which it shall appear to the Court or a Judge that the Amount of Damages sought to be recovered by the Plaintiff is substantially a Matter of Calculation, it shall not be necessary to issue a Writ of Inquiry, but the Court or a Judge may direct that the Amount, for which final Judgment is to be signed, shall be ascertained by One of the Masters of the said Court; and the Attendance of Witnesses and the Production of Documents before such Master may be compelled by Subpœna, in the same Manner as before a Jury upon a Writ of Inquiry; and it shall be lawful for such Master to adjourn the Inquiry from Time to Time, as Occasion may require; and the Master shall indorse upon the Rule or Order for referring the Amount of Damages to him, the Amount found by him, and shall deliver the Rule or Order, with such Indorsement, to the Plaintiff; and such and the like Proceedings may thereupon be had as to Taxation of Costs, signing Judgment, and otherwise, as upon the Finding of a Jury upon a Writ of Inquiry.

Inquiry of Damages may be directed to take place before the Master.

XCV. In all Actions where the Plaintiff recovers a Sum of Money, the Amount to which he is entitled may be awarded to him by the Judgment generally, without any Distinction being therein made as to whether such Sum is recovered by way of a Debt or Damages.

Judgment, without Distinction between Debt and Damages.

XCVI. Nothing in this Act contained shall in any way affect the Provisions of a certain Act of Parliament passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of His Majesty King William the Third, intituled *An Act for the better preventing frivolous and vexatious Suits*, as to the Assignment

Saving as to certain Provisions of 8 & 9 W. 3. c. 11.

ment

ment or Suggestion of Breaches, or as to Judgment for a Penalty as a Security for Damages in respect of further Breaches.

*Notice of Trial,  
Inquiry, and  
Countermand.*

And with respect to Notice of Trial and Inquiry, and Countermand thereof, be it enacted as follows :

*Time for Notice  
of Trial, &c.*

XCVII. Ten Days Notice of Trial or Inquiry shall be given, and shall be sufficient in all Cases, whether at Bar or Nisi Prius, in Town or Country, unless otherwise ordered by the Court or a Judge.

*Notice of Coun-  
termand.*

XCVIII. A Countermand of Notice of Trial shall be given Four Days before the Time mentioned in the Notice of Trial, unless Short Notice of Trial has been given, and then Two Days before the Time mentioned in the Notice of Trial, unless otherwise ordered by the Court or a Judge, or by Consent.

*Costs of the  
Day.*

XCIX. A Rule for Costs of the Day for not proceeding to Trial pursuant to Notice, or not countermanding in sufficient Time, may be drawn up on Affidavit, without Motion.

*Judgment for  
not proceeding  
to Trial.*

And with respect to Judgment for Default in not proceeding to Trial, be it enacted as follows :

*Part of 14 G. 2.  
c. 17. repealed.*

C. The Act passed in the Fourteenth Year of the Reign of His Majesty King *George* the Second, intituled *An Act to prevent Inconveniences arising from Delays of Causes after Issue joined*, so far as the same relates to Judgment as in the Case of a Nonsuit, shall be and the same is hereby repealed, except as to Proceedings taken or commenced thereupon before the Commencement of this Act.

*Proceeding  
where Plaintiff  
neglects to  
bring on the  
Cause to be  
tried.*

CI. Where any Issue is or shall be joined in any Cause, and the Plaintiff has neglected or shall neglect to bring such Issue on to be tried, that is to say, in Town Causes where Issue has been or shall be joined in, or in the Vacation before, any Term, for instance, *Hilary* Term, and the Plaintiff has neglected or shall neglect to bring the Issue on to be tried during or before the following Term and Vacation, for instance, *Easter* Term and Vacation, and in Country Causes where Issue has been or shall be joined in, or in the Vacation before, *Hilary* or *Trinity* Term, and the Plaintiff has neglected or shall neglect to bring the Issue on to be tried at or before the Second Assizes following such Term, or if Issue has been or shall be joined in, or in the Vacation before, *Easter* or *Michaelmas* Term, then, if the Plaintiff has neglected or shall neglect to bring the Issue on to be tried at or before the First Assizes after such Term, whether the Plaintiff shall in the meantime have given Notice of Trial or not, the Defendant may give Twenty Days Notice to the Plaintiff to bring the Issue on to be tried at the Sittings or Assizes, as the Case may be, next after the Expiration of the Notice; and if the Plaintiff afterwards neglects to give Notice of Trial for such Sittings or Assizes, or to proceed to Trial in pursuance of the said Notice given by the Defendant, the Defendant may suggest on the Record that the Plaintiff has failed to proceed to Trial, although duly required so to do, (which Suggestion shall not be traversable, but only be subject to be set aside if untrue,) and may sign Judgment for his Costs; provided that the Court or a Judge shall have Power to extend the Time for proceeding to Trial, with or without Terms.

And

And with respect to the Nisi Prius Record, be it enacted as follows:

*Nisi Prius  
Record.*

CII. The Record of Nisi Prius shall not be sealed or passed, but may be delivered to the proper Officer of the Court in which the Cause is to be tried, to be by him entered as at present, and remain until disposed of.

Nisi Prius Record not to be sealed or passed.

CIII. Records of the Superior Courts of Common Law shall be brought to Trial and entered and disposed of in the Counties Palatine in the same Manner as in other Counties.

Trials in Counties Palatine.

And with respect to Juries and Jury Process, be it enacted as follows:

*Jury and Jury  
Process.*

CIV. The several Writs of Venire facias juratores, and Distingas juratores, or Habeas corpora juratorum, and the Entry Jurata ponitur in respectu, shall no longer be necessary or used.

Jury Process abolished.

CV. The Precept issued by the Judges of Assize to the Sheriff to summon Jurors for the Assizes shall direct that the Jurors be summoned for the Trial of all Issues, whether civil or criminal, which may come on for Trial at the Assizes; and the Jurors shall thereupon be summoned in like Manner as at present.

Jurors to be summoned for Civil as well as Criminal Trials.

CVI. A printed Panel of the Jurors summoned shall, Seven Days before the Commission Day, be made by the Sheriff, and kept in the Office for Inspection; and a printed Copy of such Panel shall be delivered by the Sheriff to any Party requiring the same, on Payment of One Shilling; and such Copy shall be annexed to the Nisi Prius Record.

A printed Panel to be prepared, &c.

CVII. The Sheriffs of London and Middlesex respectively shall, pursuant to a Precept under the Hand of a Judge of any of the said Superior Courts, and without any other Authority, summon a sufficient Number of Common Jurors for the Trial of all Issues in the Superior Courts of Common Law, in like Manner as before this Act; and Seven Days before the First Day of each Sittings a printed Panel of the Jurors so summoned for the Trial of Causes at such Sittings shall be made by such Sheriffs, and kept in their Offices for public Inspection; and a printed Copy of such Panel shall be delivered by the said Sheriffs to any Party requiring the same, on Payment of One Shilling; and such Copy shall be annexed to the Nisi Prius Record; and the said Precept shall and may be in like Form as the Precept issued by the Judges of Assize, and One thereof shall suffice for each Term, and for all the Superior Courts; and it shall be the Duty of the Sheriffs respectively to apply for and procure such Precept to be issued in sufficient Time before each Term to enable them to summon the Jurors in manner aforesaid; and it shall be lawful for the several Courts, or any Judge thereof, at any Time to issue such Precept or Precepts to summon Jurors for disposing of the Business pending in such Courts, and to direct the Time and Place for which such Jurors shall be summoned, and all such other Matters as to such Judge shall seem requisite.

Sheriffs of London and Middlesex to summon Common Jurors and prepare a Panel, to be annexed to the Record.

CVIII. The Precept issued by the Judges of Assize as aforesaid shall direct the Sheriff to summon a sufficient Number of Special Jurymen, to be mentioned therein, not exceeding Forty-eight in all, to try the Special Jury Causes at the Assizes; and the Persons summoned in pursuance of such Precept shall be the

Special Jurors, not exceeding Forty-eight in Number, to be summoned to try all Special



Jury Causes at  
Assizes.

Jury for trying the Special Jury Causes at the Assizes, subject to such Right of Challenge as the Parties are now by Law entitled to ; and a printed Panel of the Special Jurors so summoned shall be made, kept, delivered, and annexed to the Nisi Prius Record, in like Time and Manner and upon the same Terms as herein-before provided with reference to the Panel of Common Jurors; and upon the Trial the Special Jury shall be ballotted for, and called in the Order in which they shall be drawn from the Box, in the same Manner as Common Jurors : Provided that the Court or a Judge, in such Case as they or he may think fit, may order that a Special Jury be struck according to the present Practice, and such Order shall be a sufficient Warrant for striking such Special Jury and making a Panel thereof for the Trial of the particular Cause.

Mode of obtain-  
ing a Special  
Jury in Country  
Causes.

CIX. In any County, except *London* and *Middlesex*, the Plaintiff in any Action, except Replevin, shall be entitled to have the Cause tried by a Special Jury, upon giving Notice in Writing to the Defendant, at such Time as would be necessary for a Notice of Trial, of his Intention that the Cause shall be so tried ; and the Defendant, or Plaintiff in Replevin, shall be so entitled, on giving the like Notice within the Time now limited for obtaining a Rule for a Special Jury : Provided that the Court or a Judge may at any Time order that a Cause shall be tried by a Special Jury, upon such Terms as they or he shall think fit.

Special Juries  
in *London* and  
*Middlesex*, how  
struck.

CX. In *London* and *Middlesex* Special Jurors shall be nominated and reduced by and before the Under Sheriff and Secondary respectively, in like Manner as by the Master before this Act, upon the Application of either Party entitled to a Special Jury, and his obtaining a Rule for such Purpose ; and the Names of the Jurors so struck shall be placed upon a Panel, which shall be delivered and annexed to the Nisi Prius Record, in like Manner and upon the same Terms as herein-before provided with reference to the Panel of Common Jurors ; and upon the Trial the Special Jury shall be ballotted for, and called in the Order in which they shall be drawn from the Box, in the same Manner as Common Jurors.

Remedy for  
Delay by Notice  
of Trial by Spe-  
cial Jury.

CXI. Where the Defendant in any Case, or Plaintiff in Replevin, gives Notice of his Intention to try the Cause by a Special Jury, and the Venue is in *London* or *Middlesex*, the Court or a Judge, if satisfied that such Notice is given for the Purpose of Delay, may order that the Cause be tried by a Common Jury, or make such other Order as to the Trial of the Cause as such Court or Judge shall think fit.

Notice to Sheriff  
of Trial by Spe-  
cial Jury.

CXII. Where Notice has been given to try by Special Jury, either Party may, Six Days before the First Day of the Sittings in *London* or *Middlesex*, or Adjournment Day in *London*, or Commission Day of the Assizes, give Notice to the Sheriff that such Cause is to be tried by a Special Jury ; and in case no such Notice be given no Special Jury need be summoned or attend, and the Cause may be tried by a Common Jury, unless otherwise ordered by the Court or a Judge.

If Special Jury  
not summoned,  
Cause to be  
tried by a Com-  
mon Jury.

CXIII. In all Cases where Notice is not given to the Sheriff that the Cause is to be tried by a Special Jury, and by reason thereof a Special Jury is not summoned or does not attend, the Cause

Cause may be tried by a Common Jury, to be taken from the Panel of Common Jurors, in like Manner as if no Proceedings had been had to try the Cause by a Special Jury.

CXIV. A Writ of View shall not be necessary or used, but, whether the View is to be had by a Common or Special Jury, it shall be sufficient to obtain a Rule of the Court or Judge's Order, directing a View to be had; and the Proceedings upon the Rule for a View shall be the same as the Proceedings heretofore had under a Writ of View; and the Sheriff, upon Request, shall deliver to either Party the Names of the Viewers, and shall also return their Names to the Associate for the Purpose of their being called as Jurymen upon the Trial.

View to be by Rule without Writ.

CXV. The Jurors contained in such Panels as aforesaid shall be the Jurors to try the Causes at the Assizes and Sittings for which they shall be summoned respectively; and all such Proceedings may be had and taken before such Juries in like Manner, and with the like Consequences in all respects, as before any Jury summoned in pursuance of any Writ or Writs of Venire facias juratores, Distringas juratores, or Habeas corpora juratorum, before this Act.

Proceedings before Jurors so returned same as before this Act.

CXVI. Nothing herein contained shall affect the Right of a Defendant to take down a Cause for Trial, after Default by the Plaintiff to proceed to Trial, according to the Course and Practice of the Court; and if Records are entered for Trial both by the Plaintiff and the Defendant, the Defendant's Record shall be treated as standing next in order after the Plaintiff's Record in the List of Causes, and the Trial of the Cause shall take place accordingly.

Defendant's Right to try, upon Default of the Plaintiff, preserved.

And with respect to the Admission of Documents, be it enacted as follows:

*Admission of Documents.*

CXVII. Either Party may call on the other Party by Notice to admit any Document, saving all just Exceptions; and in case of Refusal or Neglect to admit, the Costs of proving the Document shall be paid by the Party so neglecting or refusing, whatever the Result of the Cause may be, unless at the Trial the Judge shall certify that the Refusal to admit was reasonable; and no Costs of proving any Document shall be allowed unless such Notice be given, except in Cases where the Omission to give the Notice is in the Opinion of the Master a Saving of Expense.

*Admission of Documents.*

CXVIII. An Affidavit of the Attorney in the Cause, or his Clerk, of the due Signature of any Admissions made in pursuance of such Notice, and annexed to the Affidavit, shall be in all Cases sufficient Evidence of such Admissions.

*Proof of Admissions.*

CXIX. An Affidavit of the Attorney in the Cause, or his Clerk, of the Service of any Notice to produce, in respect of which Notice to admit shall have been given, and of the Time when it was served, with a Copy of such Notice to produce annexed to such Affidavit, shall be sufficient Evidence of the Service of the Original of such Notice, and of the Time when it was served.

*Proof of Notice to produce.*

And with respect to Execution, be it enacted as follows:

*Execution.*

CXX. A Plaintiff or Defendant, having obtained a Verdict in a Cause tried out of Term, shall be entitled to issue Execution in

*Execution after Trial.*

in Fourteen Days, unless the Judge who tries the Cause, or some other Judge, or the Court, shall order Execution to issue at an earlier or later Period, with or without Terms.

Ground Writs  
abolished.

CXXI. It shall not be necessary to issue any Writ directed to the Sheriff of the County in which the Venue is laid, but Writs of Execution may issue at once into any County, and be directed to and executed by the Sheriff of any County, whether a County Palatine or not, without Reference to the County in which the Venue is laid, and without any Suggestion of the issuing of a prior Writ into such County.

Writs in Coun-  
ties Palatine to  
be directed to  
the Sheriff.

CXXII. All Writs of every Description issuing out of the Superior Courts of Common Law at *Westminster*, to be executed in the Counties Palatine, shall be directed and delivered to the Sheriffs of such Counties, and executed and returned by them to the Courts out of which such Writs are issued, in the same Manner in all respects as Writs are executed and returned by the Sheriffs of other Counties.

Expenses of  
Execution.

CXXIII. In every Case of Execution, the Party entitled to Execution may levy the Poundage Fees and Expenses of the Execution, over and above the Sum recovered.

Writs of Exe-  
cution to remain  
in force for One  
Year, and to be  
renewed if ne-  
cessary.

CXXIV. A Writ of Execution issued after the Commencement of this Act, if unexecuted, shall not remain in force for more than One Year from the Teste of such Writ, unless renewed in the Manner herein-after provided; but such Writ may, at any Time before its Expiration, be renewed, by the Party issuing it, for One Year from the Date of such Renewal, and so on from Time to Time during the Continuance of the renewed Writ, either by being marked with a Seal bearing the Date of the Day, Month, and Year of such Renewal, (such Seal to be provided and kept for that Purpose at the Office of the Masters of the Court out of which such Writ issued,) or by such Party giving a written Notice of Renewal to such Sheriff, signed by the Party or his Attorney, and bearing the like Seal of the Court; and a Writ of Execution so renewed shall have effect, and be entitled to Priority, according to the Time of the original Delivery thereof.

Production of  
renewed Writ,  
Evidence of  
Renewal.

CXXV. The Production of a Writ of Execution, or of the Notice renewing the same, purporting to be marked with such Seal, showing the same to have been renewed according to this Act, shall be sufficient Evidence of its having been so renewed.

Sheriff or  
Gaoler may dis-  
charge Prisoner  
by Authority of  
Attorney in the  
Cause.

CXXVI. A written Order under the Hand of the Attorney in the Cause, by whom any Writ of *Capias ad satisfaciendum* shall have been issued, shall justify the Sheriff, Gaoler, or Person in whose Custody the Party may be under such Writ, in discharging such Party, unless the Party for whom such Attorney professes to act shall have given written Notice to the contrary to such Sheriff, Gaoler, or Person in whose Custody the opposite Party may be; but such Discharge shall not be a Satisfaction of the Debt, unless made by the Authority of the Creditor; and nothing herein contained shall justify any Attorney in giving such Order for Discharge without the Consent of his Client.

Proceedings for  
charging in Ex-  
ecution a Person  
already in Prison  
of the Court.

CXXVII. It shall not be necessary in any Case to sue out a Writ of *Habeas corpus ad satisfaciendum* to charge in Execution a Person already in the Prison of the Court, but such Person may be so charged in Execution by a Judge's Order made upon

*Affidavit*

Affidavit that Judgment has been signed and is not satisfied; and the Service of such Order upon the Keeper of the Prison for the Time being shall have the Effect of a Detainer.

And with respect to Proceedings for the Revival of Judgments and other Proceedings by and against Persons not Parties to the Record, be it enacted as follows :

CXXVIII. During the Lives of the Parties to a Judgment, or those of them during whose Lives Execution may at present issue within a Year and a Day without a Scire facias, and within Six Years from the Recovery of the Judgment, Execution may issue without a Revival of the Judgment.

CXXIX. In Cases where it shall become necessary to revive a Judgment by reason either of Lapse of Time, or of a Change, by Death or otherwise, of the Parties entitled or liable to Execution, the Party alleging himself to be entitled to Execution may either sue out a Writ of Revivor in the Form herein-after mentioned, or apply to the Court or a Judge for Leave to enter a Suggestion upon the Roll, to the Effect that it manifestly appears to the Court that such Party is entitled to have Execution of the Judgment and to issue Execution thereupon; such Leave to be granted by the Court or a Judge upon a Rule to show Cause or a Summons, to be served according to the present Practice, or in such other Manner as such Court or Judge may direct, and which Rule or Summons may be in the Form contained in the Schedule (A.) to this Act annexed, marked No. 7., or to the like Effect.

CXXX. Upon such Application, in case it manifestly appears that the Party making the same is entitled to Execution, the Court or Judge shall allow such Suggestion as aforesaid to be entered in the Form contained in the Schedule (A.) to this Act annexed, marked No. 8., or to the like Effect, and Execution to issue thereupon, and shall order whether or not the Costs of such Application shall be paid to the Party making the same; and in case it does not manifestly so appear, the Court or Judge shall discharge the Rule or dismiss the Summons with or without Costs: Provided nevertheless, that in such last-mentioned Case the Party making such Application shall be at liberty to proceed by Writ of Revivor or Action upon the Judgment.

CXXXI. The Writ of Revivor shall be directed to the Party called upon to show Cause why Execution should not be awarded, and shall bear Teste on the Day of its issuing; and, after reciting the Reason why such Writ has become necessary, it shall call upon the Party, to whom it is directed, to appear, within Eight Days after Service thereof, in the Court out of which it issues, to show Cause why the Party at whose Instance such Writ has been issued should not have Execution against the Party to whom such Writ is directed, and it shall give Notice that, in default of Appearance, the Party issuing such Writ may proceed to Execution; and such Writ may be in the Form contained in the Schedule (A.) to this Act annexed, marked No. 9., or to the like Effect, and may be served in any County, and otherwise proceeded upon, whether in Term or Vacation, in the same Manner as a Writ of Summons; and the Venue in a Declaration upon such Writ may be laid in any County; and the Pleadings

*Proceedings to revive.*

Execution in Six Years without Revival.

Judgment to be revived by Writ or with Leave of Court, or Judge, by Suggestion.

Proceedings upon Application for Suggestion to revive Judgment.

Writ of Revivor and Proceedings thereon.

and Proceedings thereupon, and the Rights of the Parties respectively to Costs, shall be the same as in an ordinary Action.

Writs of Scire facias in other Cases to be tested, directed, and proceeded upon in like Manner.

CXXXII. All Writs of Scire facias issued out of any of the Superior Courts of Law at *Westminster* against Bail on a Recognizance; Ad audiendum errores; against Members of a Joint Stock Company or other Body, upon a Judgment recorded against a public Officer or other Person sued as representing such Company or Body, or against such Company or Body itself; by or against a Husband to have Execution of a Judgment for or against a Wife; for Restitution after a Reversal in Error; upon a Suggestion of further Breaches after Judgment for any Penal Sum, pursuant to the Statute passed in the Session holden in the Eighth and Ninth Years of the Reign of King *William* the Third, intituled *An Act for the better preventing frivolous and vexatious Suits*; or for Recovery of Land taken under an Elegit, shall be tested, directed, and proceeded upon, in like Manner as Writs of Revivor.

Appearance to Writ of Revivor.

CXXXIII. Notice in Writing to the Plaintiff, his Attorney or Agent, shall be sufficient Appearance to a Writ of Revivor.

Regulations as to Issue of Writs of Revivor.

CXXXIV. A Writ of Revivor to revive a Judgment less than Ten Years old shall be allowed without any Rule or Order; if more than Ten Years old, not without a Rule of Court or a Judge's Order; nor, if more than Fifteen, without a Rule to show Cause.

Death, Marriage, &c.

And with respect to the Effect of Death, Marriage, and Bankruptcy upon the Proceedings in an Action, be it enacted as follows:

Action not to abate by Death.

CXXXV. The Death of a Plaintiff or Defendant shall not cause the Action to abate, but it may be continued as herein-after mentioned.

Proceedings in case of Death of One or more of several Plaintiffs or Defendants.

CXXXVI. If there be Two or more Plaintiffs or Defendants, and One or more of them should die, if the Cause of such Action shall survive to the surviving Plaintiff or Plaintiffs, or against the surviving Defendant or Defendants, the Action shall not be thereby abated; but such Death being suggested upon the Record, the Action shall proceed at the Suit of the surviving Plaintiff or Plaintiffs against the surviving Defendant or Defendants.

Proceeding in case of sole Plaintiff.

CXXXVII. In case of the Death of a sole Plaintiff or sole surviving Plaintiff, the legal Representative of such Plaintiff may, by Leave of the Court or a Judge, enter a Suggestion of the Death, and that he is such legal Representative, and the Action shall thereupon proceed; and, if such Suggestion be made before the Trial, the Truth of the Suggestion shall be tried thereat, together with the Title of deceased Plaintiff, and such Judgment shall follow upon the Verdict in favour of or against the Person making such Suggestion, as if such Person were originally the Plaintiff.

Proceeding upon Death of sole or sole surviving Defendant.

CXXXVIII. In case of the Death of a sole Defendant or sole surviving Defendant, where the Action survives, the Plaintiff may make a Suggestion, either in any of the Pleadings, if the Cause has not arrived at Issue, or in a Copy of the Issue, if it has so arrived, of the Death, and that a Person named therein is the Executor or Administrator of the Deceased; and may thereupon serve such Executor or Administrator with a Copy of the Writ and Suggestion, and with a Notice, signed by the Plaintiff

or his Attorney, requiring such Executor or Administrator to appear within Eight Days after Service of the Notice, inclusive of the Day of such Service; and that in default of his so doing the Plaintiff may sign Judgment against him as such Executor or Administrator; and the same Proceedings may be had and taken in case of Nonappearance after such Notice, as upon a Writ against such Executor or Administrator in respect of the Cause for which the Action was brought; and in case no Pleadings have taken place before the Death, the Suggestion shall form Part of the Declaration, and the Declaration and Suggestion may be served together, and the new Defendant shall plead thereto at the same Time; and in case the Plaintiff shall have declared, but the Defendant shall not have pleaded before the Death, the new Defendant shall plead at the same Time to the Declaration and Suggestion; and in case the Defendant shall have pleaded before the Death, the new Defendant shall be at liberty to plead to the Suggestion only by way of Denial, or such Plea as may be appropriate to and rendered necessary by his Character of Executor or Administrator, unless, by Leave of the Court or a Judge, he should be permitted to plead fresh Matter in answer to the Declaration; and in case the Defendant shall have pleaded before the Death, but the Pleadings shall not have arrived at Issue, the new Defendant, besides pleading to the Suggestion, shall continue the Pleadings to Issue in the same Manner as the Deceased might have done, and the Pleadings upon the Declaration and the Pleadings upon the Suggestion shall be tried together; and in case the Plaintiff shall recover, he shall be entitled to the like Judgment in respect of the Debt or Sum sought to be recovered and in respect of the Costs prior to the Suggestion, and in respect of the Costs of the Suggestion and subsequent thereto, he shall be entitled to the like Judgment as in an Action originally commenced against the Executor or Administrator.

**CXXXIX.** The Death of either Party between the Verdict and the Judgment shall not hereafter be alleged for Error, so as such Judgment be entered within Two Terms after such Verdict.

Death between Verdict and Judgment.

**CXL.** If the Plaintiff in any Action happen to die after an Interlocutory Judgment and before a final Judgment obtained therein, the said Action shall not abate by reason thereof, if such Action might be originally prosecuted or maintained by the Executor or Administrator of such Plaintiff; and if the Defendant die after such Interlocutory Judgment and before final Judgment therein obtained, the said Action shall not abate, if such Action might be originally prosecuted or maintained against the Executor or Administrator of such Defendant; and the Plaintiff, or if he be dead after such Interlocutory Judgment, his Executors or Administrators, shall and may have a Writ of Revivor, in the Form contained in the Schedule (A.) to this Act annexed, marked No. 9., or to the like Effect, against the Defendant, if living after such Interlocutory Judgment, or if he be dead, then against his Executors or Administrators, to show Cause why Damages in such Action should not be assessed and recovered by him or them; and if such Defendant, his Executors or Administrators, shall appear at the Return of such Writ, and not show or allege any Matter sufficient to arrest the final Judgment, or shall make

Proceedings in case of Death after Interlocutory, and before final Judgment.

Default, a Writ of Inquiry of Damages shall be thereupon awarded, or the Amount, for which final Judgment is to be signed, shall be referred to One of the Masters, as herein-before provided; and upon the Return of the Writ, or Delivery of the Order with the Amount indorsed thereon to the Plaintiff, his Executors or Administrators, Judgment final shall be given for the said Plaintiff, his Executors or Administrators, prosecuting such Writ of Revivor, against such Defendant, his Executors or Administrators respectively.

Marriage not to  
abate Action.

CXLI. The Marriage of a Woman Plaintiff or Defendant shall not cause the Action to abate, but the Action may, notwithstanding, be proceeded with to Judgment; and such Judgment may be executed against the Wife alone, or, by Suggestion or Writ of Revivor pursuant to this Act, Judgment may be obtained against the Husband and Wife, and Execution issue thereon; and in case of a Judgment for the Wife, Execution may be issued thereupon by the Authority of the Husband without any Writ of Revivor or Suggestion; and if in any such Action the Wife shall sue or defend by Attorney appointed by her when sole, such Attorney shall have Authority to continue the Action or Defence, unless such Authority be countermanded by the Husband, and the Attorney changed according to the Practice of the Court.

Bankruptcy and  
Insolvency of  
Plaintiff, when  
not to abate  
Action.

CXLII. The Bankruptcy or Insolvency of the Plaintiff in any Action, which the Assignees might maintain for the Benefit of the Creditors, shall not be pleaded in bar to such Action, unless the Assignees shall decline to continue, and give Security for the Costs thereof, upon a Judge's Order to be obtained for that Purpose, within such reasonable Time as the Judge may order, but the Proceedings may be stayed until such Election is made; and in case the Assignees neglect or refuse to continue the Action, and give such Security within the Time limited by the Order, the Defendant may, within Eight Days after such Neglect or Refusal, plead the Bankruptcy.

Arrest of  
Judgment and  
Judgment Non  
obstante veredicto.

And with respect to the Proceedings upon Motions to arrest the Judgment, and for Judgment Non obstante veredicto, be it enacted as follows:

Upon Motion in  
arrest of Judgment,  
pursuant  
to 1 W. 4. c. 7.,  
or for Judgment  
Non obstante  
veredicto,  
omitted Facts  
may by Leave  
of the Court be  
suggested.

CXLIII. Upon any Motion made in arrest of Judgment, or to enter an Arrest of Judgment, pursuant to the Statute passed in the First Year of His late Majesty King William the Fourth, intituled *An Act for the more speedy Judgment and Execution in Actions brought in His Majesty's Courts of Law at Westminster, and in the Court of Common Pleas of the County Palatine of Lancaster, and for amending the Law as to Judgment on a Cognovit actionem in Cases of Bankruptcy*, or for Judgment Non obstante veredicto, by reason of the Non-averment of some alleged material Fact or Facts or material Allegation, or other Cause, the Party, whose Pleading is alleged or adjudged to be therein defective, may, by Leave of the Court, suggest the Existence of the omitted Fact or Facts or other Matter, which, if true, would remedy the alleged Defect; and such Suggestion may be pleaded to by the opposite Party within Eight Days after Notice thereof, or such further Time as the Court or a Judge may allow; and the Proceedings for Trial of any Issues joined upon such Pleadings shall be the same as in an ordinary Action.

CXLIV. If

**CXLIV.** If the Fact or Facts suggested be admitted, or found to be true, the Party suggesting shall be entitled to such Judgment as he would have been entitled to, if such Fact or Facts or Allegations had been originally stated in such Pleading, and proved or admitted on the Trial, together with the Costs of, and occasioned by, the Suggestion and Proceedings thereon; but if such Fact or Facts be found untrue, the opposite Party shall be entitled to his Costs of, and occasioned by, the Suggestion and Proceedings thereon, in addition to any other Costs to which he may be entitled.

Judgment to follow Result of Suggestion.

**CXLV.** Upon an Arrest of Judgment, or Judgment Non obstante veredicto, the Court shall adjudge to the Party, against whom such Judgment is given, the Costs occasioned by the Trial of any Issues of Fact, arising out of the Pleading for Defect of which such Judgment is given, upon which such Party shall have succeeded; and such Costs shall be set off against any Money or Costs adjudged to the opposite Party, and Execution may issue for the Balance, if any.

Costs of abortive Issues.

And with respect to Proceedings in Error, be it enacted as follows:

Error.

**CXLVI.** No Judgment in any Cause shall be reversed or avoided for any Error or Defect therein, unless Error be commenced, or brought and prosecuted with Effect, within Six Years after such Judgment signed or entered of Record.

Error to be brought within Six Years.

**CXLVII.** If any Person that is or shall be, at the Time of such Title accrued, within the Age of Twenty-one Years, Feme Covert, *non compos mentis*, or beyond the Seas, then such Person shall be at liberty to bring Error as aforesaid, so as such Person commences, or brings and prosecutes the same with Effect, within Six Years after coming to or being of full Age, Discoverd, of sound Memory, or Return from beyond the Seas; and if the opposite Party shall, at the Time of the Judgment signed or entered of Record, be beyond the Seas, then Error may be brought, provided the Proceedings be commenced and prosecuted with Effect within Six Years after the Return of such Party from beyond Seas.

Proviso for Disabilities.

**CXLVIII.** A Writ of Error shall not be necessary or used in any Cause, and the Proceeding to Error shall be a Step in the Cause, and shall be taken in manner herein-after mentioned; but nothing in this Act contained shall invalidate any Proceedings already taken or to be taken by reason of any Writ of Error issued before the Commencement of this Act.

Writ of Error abolished.

**CXLIX.** Either Party alleging Error in Law may deliver to One of the Masters of the Court a Memorandum in Writing, in the Form contained in the Schedule (A.) to this Act annexed, marked No. 10., or to the like Effect, entitled in the Court and Cause, and signed by the Party or his Attorney, alleging that there is Error in Law in the Record and Proceedings; whereupon the Master shall file such Memorandum, and deliver to the Party lodging the same a Note of the Receipt thereof; and a Copy of such Note, together with a Statement of the Grounds of Error intended to be argued, may be served on the opposite Party or his Attorney.

Error in Law how brought.



Error not Supersedeas till Service of the Copy of the Note and Grounds of Error.

CL. Proceedings in Error in Law shall be deemed a Supersedeas of Execution from the Time of the Service of the Copy of such Note, together with the Statement of the Grounds of Error intended to be argued, until Default in putting in Bail, or an Affirmance of the Judgment, or Discontinuance of the Proceedings in Error, or until the Proceedings in Error shall be otherwise disposed of without a Reversal of the Judgment; provided always, that if the Grounds of Error shall appear to be frivolous, the Court or a Judge upon Summons may order Execution to issue.

Bail in Error.

CLL. Upon any Judgment hereafter to be given in any of the said Superior Courts of Common Law in any Action, Execution shall not be stayed or delayed by Proceedings in Error, or Supersedeas thereupon, without the special Order of the Court or a Judge, unless the Person in whose Name such Proceedings in Error be brought, with Two, or, by Leave of the Court or a Judge, more than Two sufficient Sureties, such as the Court (wherein such Judgment is or shall be given) or a Judge shall allow of, shall, within Four clear Days after lodging the Memorandum alleging Error, or after the signing of the Judgment, whichever shall last happen, or before Execution executed, be bound unto the Party for whom any such Judgment is or shall be given, by Recognizance to be acknowledged in the same Court, in double the Sum adjudged to be recovered by the said Judgment, (except in case of a Penalty, and in case of a Penalty in double the Sum really due, and double the Costs,) to prosecute the Proceedings in Error with Effect, and also to satisfy and pay (if the said Judgment be affirmed, or the Proceedings in Error be discontinued by the Plaintiff therein,) all and singular the Sum or Sums of Money and Costs adjudged or to be adjudged upon the former Judgment, and all Costs and Damages to be also awarded for the delaying of Execution, and shall give Notice thereof to the Defendant in Error, or his Attorney.

Suggestion instead of Assignment of and Joinder in Error.

CLII. The Assignment of and Joinder in Error in Law shall not be necessary or used, and, instead thereof, a Suggestion to the Effect that Error is alleged by the One Party and denied by the other, may be entered on the Judgment Roll in the Form contained in Schedule (A.) to this Act annexed, marked No. 11., or to the like Effect: Provided that in case the Defendant in Error intends to rely upon the Proceeding in Error being barred by Lapse of Time, or by Release of Error, or other like Matter of Fact, he may give Four Days written Notice to the Plaintiff in Error to assign Error as heretofore, instead of entering the Suggestion; and he shall, within Eight Days, plead thereto the Bar by Lapse of Time, or Release of Error, or other like Matter of Fact; and thereupon such Proceedings may be had as heretofore.

Roll to be made up and Suggestion entered by Plaintiff in Error.

CLIII. The Roll shall be made up, and the Suggestion last aforesaid entered by the Plaintiff in Error within Ten Days after the Service of the Note of the Receipt of the Memorandum alleging Error, or within such other Time as the Court or a Judge may order; and in default thereof, or of Assignment of Error in Cases where an Assignment is required, the Defendant in Error, his Executors or Administrators, shall be at liberty to sign Judgment of Non-pros.

CLIV. In

CLIV. In case Error be brought upon a Judgment given against several Persons, and One or some only shall proceed in Error, the Memorandum alleging Error, and the Note of the Receipt of such Memorandum, shall state the Names of the Persons by whom the Proceedings are taken; and in case the other Persons, against whom Judgment has been given, decline to join in the Proceedings in Error, the same may be continued, and the Suggestion last aforesaid entered, stating the Persons by whom the Proceedings are brought, without any Summons and Severance, or if such other Persons elect to join, then the Suggestion shall state them to be, and they shall be deemed as Plaintiffs in Error, although not mentioned as such in the previous Proceedings.

Error brought by One of several Persons against whom Judgment has been given.

CLV. Upon such Suggestion of Error alleged and denied being entered, the Cause may be set down for Argument in the Court of Error in the Manner heretofore used; and the Judgment Roll shall, without any Writ or Return, be brought by the Master into the Court of Error in the Exchequer Chamber, before the Justices, or Justices and Barons, as the Case may be, of the other Two Superior Courts of Common Law, on the Day of its Sitting, at such Time as the Judges shall appoint, either in Term or in Vacation; or if the Proceedings in Error be before the High Court of Parliament, then before the High Court of Parliament, before or at the Time of its Sitting; and the Court of Error shall and may thereupon review the Proceedings, and give Judgment as they shall be advised thereon; and such Proceedings and Judgment, as altered or affirmed, shall be entered on the original Record; and such further Proceedings as may be necessary thereon shall be awarded by the Court in which the original Judgment was given.

Judgment Roll to be brought into Court instead of Transcript.

CLVI. Courts of Error shall have Power to quash the Proceedings in Error in all Cases in which Error does not lie, or where they are taken against good Faith, or in any Case in which Proceedings in Error might heretofore have been quashed by such Courts; and such Courts shall in all respects have such Jurisdiction over the Proceedings as over the Proceedings in Error commenced by Writ of Error.

Jurisdiction of Courts of Error over the Proceedings.

CLVII. Courts of Error shall in all Cases have Power to give such Judgment, and award such Process, as the Court, from which Error is brought, ought to have done, without regard to the Party alleging Error.

Court of Error to have like Powers with Court below.

CLVIII. Either Party alleging Error in Fact may deliver to One of the Masters of the Court a Memorandum in Writing, in the Form contained in the Schedule (A.) to this Act annexed, marked No. 12., or to the like Effect, intituled in the Court and Cause, and signed by the Party or his Attorney, alleging that there is Error in Fact in the Proceedings, together with an Affidavit of the Matter of Fact in which the alleged Error consists; whereupon the Master shall file such Memorandum and Affidavit, and deliver to the Party lodging the same a Note of the Receipt thereof; and a Copy of such Note and Affidavit may be served on the opposite Party or his Attorney; and such Service shall have the same Effect, and the same Proceedings may be had thereafter

Proceedings in Error in Fact.

Error not Supersedeas till Service of the Copy of the Note and Grounds of Error.

CL. Proceedings in Error in Law shall be deemed a Supersedeas of Execution from the Time of the Service of the Copy of such Note, together with the Statement of the Grounds of Error intended to be argued, until Default in putting in Bail, or an Affirmance of the Judgment, or Discontinuance of the Proceedings in Error, or until the Proceedings in Error shall be otherwise disposed of without a Reversal of the Judgment; provided always, that if the Grounds of Error shall appear to be frivolous, the Court or a Judge upon Summons may order Execution to issue.

Bail in Error.

CLL. Upon any Judgment hereafter to be given in any of the said Superior Courts of Common Law in any Action, Execution shall not be stayed or delayed by Proceedings in Error, or Supersedeas thereupon, without the special Order of the Court or a Judge, unless the Person in whose Name such Proceedings in Error be brought, with Two, or, by Leave of the Court or a Judge, more than Two sufficient Sureties, such as the Court (wherein such Judgment is or shall be given) or a Judge shall allow of, shall, within Four clear Days after lodging the Memorandum alleging Error, or after the signing of the Judgment, whichever shall last happen, or before Execution executed, be bound unto the Party for whom any such Judgment is or shall be given, by Recognizance to be acknowledged in the same Court, in double the Sum adjudged to be recovered by the said Judgment, (except in case of a Penalty, and in case of a Penalty in double the Sum really due, and double the Costs,) to prosecute the Proceedings in Error with Effect, and also to satisfy and pay (if the said Judgment be affirmed, or the Proceedings in Error be discontinued by the Plaintiff therein,) all and singular the Sum or Sums of Money and Costs adjudged or to be adjudged upon the former Judgment, and all Costs and Damages to be also awarded for the delaying of Execution, and shall give Notice thereof to the Defendant in Error, or his Attorney.

Suggestion instead of Assignment of and Joinder in Error.

CLII. The Assignment of and Joinder in Error in Law shall not be necessary or used, and, instead thereof, a Suggestion to the Effect that Error is alleged by the One Party and denied by the other, may be entered on the Judgment Roll in the Form contained in Schedule (A.) to this Act annexed, marked No. 11., or to the like Effect: Provided that in case the Defendant in Error intends to rely upon the Proceeding in Error being barred by Lapse of Time, or by Release of Error, or other like Matter of Fact, he may give Four Days written Notice to the Plaintiff in Error to assign Error as heretofore, instead of entering the Suggestion; and he shall, within Eight Days, plead thereto the Bar by Lapse of Time, or Release of Error, or other like Matter of Fact; and thereupon such Proceedings may be had as heretofore.

Roll to be made up and Suggestion entered by Plaintiff in Error.

CLIII. The Roll shall be made up, and the Suggestion last aforesaid entered by the Plaintiff in Error within Ten Days after the Service of the Note of the Receipt of the Memorandum alleging Error, or within such other Time as the Court or a Judge may order; and in default thereof, or of Assignment of Error in Cases where an Assignment is required, the Defendant in Error, his Executors or Administrators, shall be at liberty to sign Judgment of Non-pros.

CLIV. In

CLIV. In case Error be brought upon a Judgment given against several Persons, and One or some only shall proceed in Error, the Memorandum alleging Error, and the Note of the Receipt of such Memorandum, shall state the Names of the Persons by whom the Proceedings are taken; and in case the other Persons, against whom Judgment has been given, decline to join in the Proceedings in Error, the same may be continued, and the Suggestion last aforesaid entered, stating the Persons by whom the Proceedings are brought, without any Summons and Severance, or if such other Persons elect to join, then the Suggestion shall state them to be, and they shall be deemed as Plaintiffs in Error, although not mentioned as such in the previous Proceedings.

Error brought by One of several Persons against whom Judgment has been given.

CLV. Upon such Suggestion of Error alleged and denied being entered, the Cause may be set down for Argument in the Court of Error in the Manner heretofore used; and the Judgment Roll shall, without any Writ or Return, be brought by the Master into the Court of Error in the Exchequer Chamber, before the Justices, or Justices and Barons, as the Case may be, of the other Two Superior Courts of Common Law, on the Day of its Sitting, at such Time as the Judges shall appoint, either in Term or in Vacation; or if the Proceedings in Error be before the High Court of Parliament, then before the High Court of Parliament, before or at the Time of its Sitting; and the Court of Error shall and may thereupon review the Proceedings, and give Judgment as they shall be advised thereon; and such Proceedings and Judgment, as altered or affirmed, shall be entered on the original Record; and such further Proceedings as may be necessary thereon shall be awarded by the Court in which the original Judgment was given.

Judgment Roll to be brought into Court instead of Transcript.

CLVI. Courts of Error shall have Power to quash the Proceedings in Error in all Cases in which Error does not lie, or where they are taken against good Faith, or in any Case in which Proceedings in Error might heretofore have been quashed by such Courts; and such Courts shall in all respects have such Jurisdiction over the Proceedings as over the Proceedings in Error commenced by Writ of Error.

Jurisdiction of Courts of Error over the Proceedings.

CLVII. Courts of Error shall in all Cases have Power to give such Judgment, and award such Process, as the Court, from which Error is brought, ought to have done, without regard to the Party alleging Error.

Court of Error to have like Powers with Court below.

CLVIII. Either Party alleging Error in Fact may deliver to One of the Masters of the Court a Memorandum in Writing, in the Form contained in the Schedule (A.) to this Act annexed, marked No. 12., or to the like Effect, intitled in the Court and Cause, and signed by the Party or his Attorney, alleging that there is Error in Fact in the Proceedings, together with an Affidavit of the Matter of Fact in which the alleged Error consists; whereupon the Master shall file such Memorandum and Affidavit, and deliver to the Party lodging the same a Note of the Receipt thereof; and a Copy of such Note and Affidavit may be served on the opposite Party or his Attorney; and such Service shall have the same Effect, and the same Proceedings may be had thereafter

Proceedings in Error in Fact.

thereafter as heretofore had after the Service of the Rule for Allowance of a Writ of Error in Fact.

Plaintiff may  
discontinue  
Proceedings in  
Error.

CLIX. The Plaintiff in Error, whether in Fact or Law, shall be at liberty to discontinue his Proceedings by giving to the Defendant in Error a Notice, headed in the Court and Cause, and signed by the Plaintiff in Error or his Attorney, stating that he discontinues such Proceedings; and thereupon the Defendant in Error may sign Judgment for the Costs of, and occasioned by, the Proceedings in Error, and may proceed upon the Judgment on which the Error was brought.

Defendant may  
confess Error,  
and consent to  
Reversal of  
Judgment.

CLX. The Defendant in Error, whether in Fact or Law, shall be at liberty to confess Error, and consent to the Reversal of the Judgment, by giving to the Plaintiff in Error a Notice, headed in the Court and Cause, and signed by the Defendant in Error or his Attorney, stating that he confesses the Error, and consents to the Reversal of the Judgment; and thereupon the Plaintiff in Error shall be entitled to and may forthwith sign a Judgment of Reversal.

Death of Plain-  
tiff in Error no  
Abatement.

CLXI. The Death of a Plaintiff in Error after Service of the Note of the Receipt of the Memorandum alleging Error, with a Statement of the Grounds of Error, shall not cause the Proceedings to abate, but they may be continued as herein-after mentioned.

Providing for  
Death of One of  
several Plaintiffs  
in Error.

CLXII. In case of the Death of One of several Plaintiffs in Error, a Suggestion may be made of the Death, which Suggestion shall not be traversable, but shall only be subject to be set aside if untrue, and the Proceedings may be thereupon continued at the Suit of, and against the surviving Plaintiff in Error, as if he were the sole Plaintiff.

Proceedings  
upon Death of  
sole Plaintiff or  
of all the Plain-  
tiffs in Error.

CLXIII. In case of the Death of a sole Plaintiff or of several Plaintiffs in Error, the legal Representative of such Plaintiff or of the surviving Plaintiff may, by Leave of the Court or a Judge, enter a Suggestion of the Death, and that he is such legal Representative, which Suggestion shall not be traversable, but shall only be subject to be set aside if untrue, and the Proceedings may thereupon be continued at the Suit of, and against such legal Representative as the Plaintiff in Error; and, if no such Suggestion shall be made, the Defendant in Error may proceed to an Affirmance of the Judgment according to the Practice of the Court, or take such other Proceedings thereupon as he may be entitled to.

Death of De-  
fendant in Error  
no Abatement.

CLXIV. The Death of a Defendant in Error shall not cause the Proceedings to abate, but they may be continued as herein-after mentioned.

Proceedings on  
Death of One of  
several Defen-  
dants in Error.

CLXV. In case of the Death of One of several Defendants in Error, a Suggestion may be made of the Death, which Suggestion shall not be traversable, but only be subject to be set aside if untrue, and the Proceedings may be continued against the surviving Defendant.

Proceedings on  
Death of sole  
Defendant or of  
all the Defen-  
dants in Error.

CLXVI. In case of the Death of a sole Defendant or of all the Defendants in Error, the Plaintiff in Error may proceed upon giving Ten Days Notice of the Proceedings in Error, and of his Intention to continue the same, to the Representatives of the deceased

deceased Defendants, or if no such Notice can be given, then, by Leave of the Court or a Judge, upon giving such Notice to the Parties interested as he or they may direct.

CLXVII. The Marriage of a Woman, Plaintiff or Defendant in Error, shall not abate the Proceedings in Error, but the same may be continued in like Manner as herein-before provided with reference to the Continuance of an Action after Marriage.

Marriage not to  
abate Proceed-  
ings in Error.

And with respect to the Action of Ejectment, be it enacted as follows :

Ejectment.

CLXVIII. Instead of the present Proceeding by Ejectment, a Writ shall be issued, directed to the Persons in possession by Name, and to all Persons entitled to defend the Possession of the Property claimed, which Property shall be described in the Writ with reasonable Certainty.

Ejectment to be  
brought by Writ.

CLXIX. The Writ shall state the Names of all the Persons in whom the Title is alleged to be, and command the Persons, to whom it is directed, to appear, within Sixteen Days after Service thereof, in the Court from which it is issued, to defend the Possession of the Property sued for, or such Part thereof as they may think fit, and it shall contain a Notice that in default of Appearance they will be turned out of Possession ; and the Writ shall bear Teste of the Day on which it is issued, and shall be in force for Three Months, and shall be in the Form contained in the Schedule (A.) to this Act annexed, marked No. 13., or to the like Effect ; and the Name and Abode of the Attorney issuing the same, or, if no Attorney, the Name and Residence of the Party, shall be indorsed thereon, in like Manner as herein-before enacted with reference to the Indorsements on a Writ of Summons in a Personal Action ; and the same Proceedings may be had to ascertain whether the Writ was issued by the Authority of the Attorney whose Name was indorsed thereon, and who and what the Claimants are, and their Abode, and as to staying the Proceedings upon Writs issued without Authority, as in the Case of Writs in Personal Actions.

Form and Du-  
ration of Writ  
of Ejectment.

CLXX. The Writ shall be served in the same Manner as an Ejectment has heretofore been served, or in such Manner as the Court or a Judge shall order, and in case of vacant Possession, by posting a Copy thereof upon the Door of the Dwelling House or other conspicuous Part of the Property.

Service of Writ  
of Ejectment.

CLXXI. The Persons named as Defendants in such Writ, or either of them, shall be allowed to appear within the Time appointed.

Appearance of  
Persons named.

CLXXII. Any other Person not named in such Writ shall, by Leave of the Court or a Judge, be allowed to appear and defend, on filing an Affidavit showing that he is in possession of the Land either by himself or his Tenant.

Appearance of  
Persons not  
named.

CLXXIII. Any Person appearing to defend as Landlord in respect of Property, whereof he is in possession only by his Tenant, shall state in his Appearance that he appears as Landlord ; and such Person shall be at liberty to set up any Defence which a Landlord appearing in an Action of Ejectment has heretofore been allowed to set up, and no other.

Appearance and  
Defence by  
Landlord.

CLXXIV. Any

Notice to defend for Part only.

**CLXXIV.** Any Person appearing to such Writ shall be at liberty to limit his Defence to a Part only of the Property mentioned in the Writ, describing that Part with reasonable Certainty in a Notice intituled in the Court and Cause, and signed by the Party appearing or his Attorney; such Notice to be served within Four Days after Appearance upon the Attorney whose Name is indorsed on the Writ, if any, and if none, then to be filed in the Master's Office; and an Appearance without such Notice confining the Defence to Part, shall be deemed an Appearance to defend for the whole.

Want of Certainty cured by Particulars.

**CLXXV.** Want of "reasonable Certainty" in the Description of the Property, or Part of it, in the Writ or Notice, shall not nullify them, but shall only be Ground for an Application to a Judge for better Particulars of the Land claimed or defended, which a Judge shall have Power to give in all Cases.

Defence by Persons not in possession.

**CLXXVI.** The Court or a Judge shall have Power to strike out or confine Appearances and Defences set up by Persons not in possession by themselves or their Tenants.

Judgment for Default of Appearance or Defence.

**CLXXVII.** In case no Appearance shall be entered into within the Time appointed, or if an Appearance be entered, but the Defence be limited to Part only, the Plaintiffs shall be at liberty to sign a Judgment that the Person whose Title is asserted in the Writ shall recover Possession of the Land, or of the Part thereof to which the Defence does not apply; which Judgment, if for all, may be in the Form contained in the Schedule (A.) to this Act annexed, marked No. 14., or to the like Effect, and if for Part, may be in the Form contained in the Schedule (A.) to this Act annexed, marked No. 15., or to the like Effect.

Issue how made up.

**CLXXVIII.** In case an Appearance shall be entered, an Issue may once be made up, without any Pleadings, by the Claimants or their Attorney, setting forth the Writ, and stating the Fact of the Appearance, with its Date, and the Notice limiting the Defence, if any, of each of the Persons appearing, so that it may appear for what Defence is made, and directing the Sheriff to summon a Jury; and such Issue, in case Defence is made for the whole, may be in the Form contained in Schedule (A.) to this Act annexed, marked No. 16., or to the like Effect, and in case Defence is made for Part, may be in the Form contained in the Schedule (A.) to this Act annexed, marked No. 15., or to the like Effect.

Special Case may be stated.

**CLXXIX.** By Consent of the Parties, and by Leave of a Judge, a Special Case may be stated according to the Practice heretofore used.

Trial of Issue.

**CLXXX.** The Claimants may, if no Special Case be agreed to, proceed to Trial upon the Issue, in the same Manner as in other Actions; and the Particulars of the Claim and Defence, if any, or Copies thereof, shall be annexed to the Record by the Claimants; and the Question at the Trial shall, except in the Cases hereafter mentioned, be, whether the Statement in the Writ of the Title of the Claimants is true or false, and, if true, then which of the Claimants is entitled, and whether to the whole or Part, and if to Part, then to which Part of the Property in question; and the Entry of the Verdict may be made in the Form contained

contained in the Schedule (A.) to this Act annexed, marked No. 17., or to the like Effect, with such Modifications as may be necessary to meet the Facts.

CLXXXI. In case the Title of the Claimant shall appear to have existed as alleged in the Writ, and at the Time of Service thereof, but it shall also appear to have expired before the Time of Trial, the Claimant shall, notwithstanding, be entitled to a Verdict according to the Fact that he was so entitled at the Time of bringing the Action and serving the Writ, and to a Judgment for his Cost of Suit.

Verdict when Title appears to have expired before Trial.

CLXXXII. The Court or a Judge may, on the Application of either Party, order that the Trial shall take place in any County or Place other than that in which the Venue is laid; and such Order being suggested on the Record, the Trial may be had accordingly.

Trial may be ordered to take place in any County.

CLXXXIII. If the Defendant appears, and the Claimant does not appear at the Trial, the Claimant shall be non-suited; and if the Claimant appears, and the Defendant does not appear, the Claimant shall be entitled to recover as heretofore, without any Proof of his Title.

Nonappearance at Trial.

CLXXXIV. The Jury may find a Special Verdict, or either Party may tender a Bill of Exceptions.

Special Verdict, &c.

CLXXXV. Upon a Finding for the Claimant, Judgment may be signed, and Execution issue for the Recovery of Possession of the Property, or such Part thereof as the Jury shall find the Claimant entitled to, and for Costs, within such Time, not exceeding the Fifth Day in Term after the Verdict, as the Court or Judge before whom the Cause is tried shall order; and if no such Order be made, then on the Fifth Day in Term after the Verdict, or within Fourteen Days after such Verdict, whichever shall first happen.

Judgment upon Finding for Claimant.

CLXXXVI. Upon a Finding for the Defendants, or any of them, Judgment may be signed, and Execution issue for Costs against the Claimants named in the Writ, within such Time, not exceeding the Fifth Day in Term after the Verdict, as the Court or Judge before whom the Cause is tried shall order; and if no such Order be made, then on the Fifth Day in Term after the Verdict, or within Fourteen Days after such Verdict, whichever shall first happen.

Judgment upon Finding for Defendant.

CLXXXVII. Upon any Judgment in Ejectment for Recovery of Possession and Costs, there may be either One Writ or separate Writs of Execution for the Recovery of Possession and for the Costs, at the Election of the Claimant.

Execution for Recovery of Possession and Costs may be joint or separate.

CLXXXVIII. In case of such an Action being brought by some or One of several Persons entitled as Joint Tenants, Tenants in Common, or Coparceners, any Joint Tenant, Tenant in Common, or Coparcener in possession, may, at the Time of Appearance, or within Four Days after, give Notice in the same Form as in the Notice of a limited Defence, that he or she defends as such, and admits the Right of the Claimant to an undivided Share of the Property, (stating what Share,) but denies any actual Ouster of him from the Property, and may, within the same Time, file an Affidavit stating with reasonable Certainty that he or she is such Joint Tenant, Tenant in Common, or Coparcener, and the Share

Defence by Joint Tenants, Tenants in Common, or Coparceners.



Share of such Property to which he or she is entitled, and that he or she has not ousted the Claimant; and such Notice shall be entered in the Issue in the same Manner as the Notice limiting the Defence, and upon the Trial of such an Issue the additional Question of whether an actual Ouster has taken place shall be tried.

Trial and Judgment in Ejectment against Joint Tenants, Tenants in Common, and Coparceners.

CLXXXIX. Upon the Trial of such Issue as last aforesaid, if it shall be found that the Defendant is Joint Tenant, Tenant in Common, or Coparcener with the Claimant, then the Question whether an actual Ouster has taken place shall be tried, and unless such actual Ouster shall be proved the Defendant shall be entitled to Judgment and Costs; but if it shall be found either that the Defendant is not such Joint Tenant, Tenant in Common, or Coparcener, or that an actual Ouster has taken place, then the Claimant shall be entitled to such Judgment for the Recovery of Possession and Costs.

Action not to abate by Death.

CXC. The Death of a Claimant or Defendant shall not cause the Action to abate, but it may be continued as herein-after mentioned.

Proceedings upon Death before Trial, where Right survives.

CXCI. In case the Right of the deceased Claimant shall survive to another Claimant, a Suggestion may be made of the Death, which Suggestion shall not be traversable, but shall only be subject to be set aside if untrue, and the Action may proceed at the Suit of the surviving Claimant; and if such a Suggestion shall be made before the Trial, then the Claimant shall have a Verdict and recover such Judgment as aforesaid, upon its appearing that he was entitled to bring the Action either separately or jointly with the deceased Claimant.

Proceedings upon Death before Trial, where Right does not survive.

CXCII. In case of the Death before Trial of One of several Claimants, whose Right does not survive to another or others of the Claimants, where the legal Representative of the deceased Claimant shall not become a Party to the Suit in the Manner herein-after mentioned, a Suggestion may be made of the Death, which Suggestion shall not be traversable, but shall only be subject to be set aside if untrue, and the Action may proceed at the Suit of the surviving Claimant for such Share of the Property as he is entitled to, and Costs.

Upon Death of One of several Claimants having obtained a Verdict.

CXCIII. In case of a Verdict for Two or more Claimants, if One of such Claimants die before Execution executed, the other Claimant may, whether the legal Right to the Property shall survive or not, suggest the Death in manner aforesaid, and proceed to Judgment and Execution for Recovery of Possession of the Entirety of the Property and the Costs; but nothing herein contained shall affect the Right of the legal Representative of the deceased Claimant, or the Liability of the surviving Claimant to such legal Representative; and the Entry and Possession of such surviving Claimant under such Execution shall be considered as an Entry and Possession on behalf of such legal Representative in respect of the Share of the Property to which he shall be entitled as such Representative, and the Court may direct Possession to be delivered accordingly.

Proceedings in case of Death of Claimant, where Right does not survive.

CXCIV. In case of the Death of a sole Claimant, or, before Trial, of One of several Claimants, whose Right does not survive to another or others of the Claimants, the legal Representative of such

such Claimant may, by Leave of the Court or a Judge, enter a Suggestion of the Death, and that he is such legal Representative, and the Action shall thereupon proceed; and if such Suggestion be made before the Trial, the Truth of the Suggestion shall be tried thereat, together with the Title of the deceased Claimant, and such Judgment shall follow upon the Verdict in favour of or against the Person making such Suggestion, as herein-before provided with reference to a Judgment for or against such Claimant; and in case such Suggestion in the Case of a sole Claimant be made after Trial and before Execution executed by Delivery of Possession thereupon, and such Suggestion be denied by the Defendant within Eight Days after Notice thereof, or such further Time as the Court or a Judge may allow, then such Suggestion shall be tried; and if, upon the Trial thereof, a Verdict shall pass for the Person making such Suggestion, he shall be entitled to such Judgment as aforesaid for the Recovery of Possession, and for the Costs of and occasioned by such Suggestion; and in case of a Verdict for the Defendant such Defendant shall be entitled to such Judgment as aforesaid for Costs.

CXCV. In case of the Death, before or after Judgment, of One of several Defendants in Ejectment, who defend jointly, a Suggestion may be made of the Death, which Suggestion shall not be traversable, but only be subject to be set aside if untrue, and the Action may proceed against the surviving Defendant to Judgment and Execution.

Proceedings upon Death of One of several joint Defendants.

CXCVI. In case of the Death of a sole Defendant, or of all the Defendants in Ejectment, before Trial, a Suggestion may be made of the Death, which Suggestion shall not be traversable, but only be subject to be set aside if untrue, and the Claimants shall be entitled to Judgment for Recovery of Possession of the Property, unless some other Person shall appear and defend within the Time to be appointed for that Purpose by the Order of the Court or a Judge, to be made upon the Application of the Claimants; and it shall be lawful for the Court or a Judge, upon such Suggestion being made and upon such Application as aforesaid, to order that the Claimants shall be at liberty to sign Judgment within such Time as the Court or Judge may think fit, unless the Person then in possession, by himself or his Tenant, or the legal Representative of the deceased Defendant, shall within such Time appear and defend the Action; and such Order may be served in the same Manner as the Writ; and in case such Person shall appear and defend the same, Proceedings may be taken against such new Defendant as if he had originally appeared and defended the Action; and if no Appearance be entered and Defence made, then the Claimant shall be at liberty to sign Judgment pursuant to the Order.

Upon Death of all the Defendants in Ejectment before Trial.

CXCVII. In case of the Death of a sole Defendant or of all the Defendants in Ejectment after Verdict, the Claimants shall nevertheless be entitled to Judgment as if no such Death had taken place, and to proceed by Execution for Recovery of Possession without Suggestion or Revivor, and to proceed for the Recovery of the Costs, in like Manner as upon any other Judgment for Money, against the legal Representatives of the deceased Defendant or Defendants.

Upon Death of all Defendants in Ejectment after Verdict.

Upon Death before Trial of Defendant in Ejectment, who defends separately for Part.

CXCVIII. In case of the Death before Trial of One of several Defendants in Ejectment, who defends separately for a Portion of the Property for which the other Defendant or Defendants do not defend, the same Proceedings may be taken as to such Portion as in the Case of the Death of a sole Defendant, or the Claimants may proceed against the surviving Defendants in respect of the Portion of the Property for which they defend.

Upon Death of Defendant defending separately for Property in respect of which others also defend.

CXCIX. In case of the Death before Trial of One of several Defendants in Ejectment, who defends separately in respect of Property for which surviving Defendants also defend, it shall be lawful for the Court or a Judge at any Time before the Trial to allow the Person at the Time of the Death in possession of the Property, or the legal Representative of the deceased Defendant, to appear and defend on such Terms as may appear reasonable and just, upon the Application of such Person or Representative; and if no such Application be made or Leave granted, the Claimant, suggesting the Death in manner aforesaid, may proceed against the surviving Defendant or Defendants to Judgment and Execution.

Claimant may discontinue by Notice.

CC. The Claimant in Ejectment shall be at liberty at any Time to discontinue the Action as to One or more of the Defendants, by giving to the Defendant or his Attorney a Notice headed in the Court and Cause, and signed by the Claimant or his Attorney, stating that he discontinues such Action; and thereupon the Defendant, to whom such Notice is given, shall be entitled to and may forthwith sign Judgment for Costs in the Form contained in the Schedule (A.) to this Act annexed, marked No. 18., or to the like Effect.

Discontinuance of Action by One of several Claimants.

CCI. In case One of several Claimants shall be desirous to discontinue, he may apply to the Court or a Judge to have his Name struck out of the Proceedings, and an Order may be made thereupon upon such Terms as to the Court or Judge may seem fit, and the Action shall thereupon proceed at the Suit of the other Claimants.

Judgment for not proceeding to Trial after Notice.

CCII. If after Appearance entered the Claimant, without going to Trial, allow the Time, allowed for going to Trial by the Practice of the Court in ordinary Cases after Issue joined, to elapse, the Defendant in Ejectment may give Twenty Days Notice to the Claimant to proceed to Trial at the Sittings or Assizes next after the Expiration of the Notice; and if the Claimant afterwards neglects to give Notice of Trial for such Sittings or Assizes, or to proceed to Trial in pursuance of the said Notice given by the Defendant, and the Time for going to Trial shall not be extended by the Court or a Judge, the Defendant may sign Judgment in the Form contained in the Schedule (A.) to this Act annexed, marked No. 19., and recover the Costs of Defence.

Defendant may confess the Action.

CCIII. A sole Defendant or all the Defendants in Ejectment shall be at liberty to confess the Action as to the whole or Part of the Property, by giving to such Claimant a Notice headed in the Court and Cause, and signed by the Defendant or Defendants, such Signature to be attested by his or their Attorney; and thereupon the Claimant shall be entitled to and may forthwith sign Judgment and issue Execution for the Recovery of Possession and Costs in the Form contained in the Schedule (A.) to this Act annexed, marked No. 20., or to the like Effect.

CCIV. In

CCIV. In case One of several Defendants in Ejectment, who defends separately for a Portion of the Property for which the other Defendant or Defendants do not defend, shall be desirous of confessing the Claimant's Title to such Portion, he may give a like Notice to the Claimant; and thereupon the Claimant shall be entitled to and may forthwith sign Judgment and issue Execution for the Recovery of Possession of such Portion of the Property, and for the Costs occasioned by the Defence relating to the same, and the Action may proceed as to the Residue.

Confession by One of several Defendants defending separately for Part.

CCV. In case One of several Defendants in Ejectment, who defends separately in respect of Property for which other Defendants also defend, shall be desirous of confessing the Claimant's Title, he may give a like Notice thereof; and thereupon the Claimant shall be entitled to and may sign Judgment against such Defendant for the Costs occasioned by his Defence, and may proceed in the Action against the other Defendants to Judgment and Execution.

Confession by One of several Defendants who defend for same Property.

CCVI. It shall not be necessary before issuing Execution upon any Judgment under the Authority of this Act to enter the Proceedings upon any Roll, but an Incipitur thereof may be made upon Paper, shortly describing the Nature of the Judgment according to the Practice heretofore used, and Judgment may thereupon be signed, and Costs taxed, and Execution issued, according to the Practice heretofore used: Provided nevertheless, that the Proceedings may be entered upon the Roll whenever the same may become necessary for the Purpose of Evidence, or of bringing Error, or the like.

Formal Entry of Judgment on the Roll unnecessary for Purposes of Execution.

CCVII. The Effect of a Judgment in an Action of Ejectment under this Act shall be the same as that of a Judgment in the Action of Ejectment heretofore used.

Effect of Judgment.

CCVIII. Error may be brought in like Manner as in other Actions upon any Judgment in Ejectment, after a Special Verdict found by the Jury, or a Bill of Exceptions, or by Consent after a Special Case stated, but, except in the Case of such Consent as aforesaid, Execution shall not be thereby stayed, unless the Plaintiff in Error shall, within Four clear Days after lodging the Memorandum alleging Error, or after the signing of the Judgment, whichever shall last happen, or before Execution executed, be bound unto the Claimant, who shall have recovered Judgment in such Action of Ejectment, in double the yearly Value of the Property, and double the Costs recovered by the Judgment, with Condition, that if the Judgment shall be affirmed by the Court of Error, or the Proceedings in Error be discontinued by the Plaintiff therein, then the Plaintiff in Error shall pay such Costs, Damages, and Sum or Sums of Money as shall be awarded upon or after such Judgment affirmed or Discontinuance; and it shall be lawful for the Court wherein Execution ought to be granted upon such Affirmation, or Discontinuance, upon the Application of the Claimant, to issue a Writ to inquire as well of the mesne Profits as of the Damage by any Waste committed after the first Judgment in Ejectment, which Writ may be tested on the Day on which it shall issue, and be returnable immediately after the Execution thereof; and upon the Return thereof Judgment shall

Error and Bail in Error in Ejectment.

Error not Supersedeas till Service of the Copy of the Note and Grounds of Error.

CL. Proceedings in Error in Law shall be deemed a Supersedeas of Execution from the Time of the Service of the Copy of such Note, together with the Statement of the Grounds of Error intended to be argued, until Default in putting in Bail, or an Affirmance of the Judgment, or Discontinuance of the Proceedings in Error, or until the Proceedings in Error shall be otherwise disposed of without a Reversal of the Judgment; provided always, that if the Grounds of Error shall appear to be frivolous, the Court or a Judge upon Summons may order Execution to issue.

Bail in Error.

CLL. Upon any Judgment hereafter to be given in any of the said Superior Courts of Common Law in any Action, Execution shall not be stayed or delayed by Proceedings in Error, or Supersedeas thereupon, without the special Order of the Court or a Judge, unless the Person in whose Name such Proceedings in Error be brought, with Two, or, by Leave of the Court or a Judge, more than Two sufficient Sureties, such as the Court (wherein such Judgment is or shall be given) or a Judge shall allow of, shall, within Four clear Days after lodging the Memorandum alleging Error, or after the signing of the Judgment, whichever shall last happen, or before Execution executed, be bound unto the Party for whom any such Judgment is or shall be given, by Recognizance to be acknowledged in the same Court, in double the Sum adjudged to be recovered by the said Judgment, (except in case of a Penalty, and in case of a Penalty in double the Sum really due, and double the Costs,) to prosecute the Proceedings in Error with Effect, and also to satisfy and pay (if the said Judgment be affirmed, or the Proceedings in Error be discontinued by the Plaintiff therein,) all and singular the Sum or Sums of Money and Costs adjudged or to be adjudged upon the former Judgment, and all Costs and Damages to be also awarded for the delaying of Execution, and shall give Notice thereof to the Defendant in Error, or his Attorney.

Suggestion instead of Assignment of and Joinder in Error.

CLIL. The Assignment of and Joinder in Error in Law shall not be necessary or used, and, instead thereof, a Suggestion to the Effect that Error is alleged by the One Party and denied by the other, may be entered on the Judgment Roll in the Form contained in Schedule (A.) to this Act annexed, marked No. 11., or to the like Effect: Provided that in case the Defendant in Error intends to rely upon the Proceeding in Error being barred by Lapse of Time, or by Release of Error, or other like Matter of Fact, he may give Four Days written Notice to the Plaintiff in Error to assign Error as heretofore, instead of entering the Suggestion; and he shall, within Eight Days, plead thereto the Bar by Lapse of Time, or Release of Error, or other like Matter of Fact; and thereupon such Proceedings may be had as heretofore.

Roll to be made up and Suggestion entered by Plaintiff in Error.

CLIII. The Roll shall be made up, and the Suggestion last aforesaid entered by the Plaintiff in Error within Ten Days after the Service of the Note of the Receipt of the Memorandum alleging Error, or within such other Time as the Court or a Judge may order; and in default thereof, or of Assignment of Error in Cases where an Assignment is required, the Defendant in Error, his Executors or Administrators, shall be at liberty to sign Judgment of Non-pros.

CLIV. In

CLIV. In case Error be brought upon a Judgment given against several Persons, and One or some only shall proceed in Error, the Memorandum alleging Error, and the Note of the Receipt of such Memorandum, shall state the Names of the Persons by whom the Proceedings are taken; and in case the other Persons, against whom Judgment has been given, decline to join in the Proceedings in Error, the same may be continued, and the Suggestion last aforesaid entered, stating the Persons by whom the Proceedings are brought, without any Summons and Severance, or if such other Persons elect to join, then the Suggestion shall state them to be, and they shall be deemed as Plaintiffs in Error, although not mentioned as such in the previous Proceedings.

Error brought by One of several Persons against whom Judgment has been given.

CLV. Upon such Suggestion of Error alleged and denied being entered, the Cause may be set down for Argument in the Court of Error in the Manner heretofore used; and the Judgment Roll shall, without any Writ or Return, be brought by the Master into the Court of Error in the Exchequer Chamber, before the Justices, or Justices and Barons, as the Case may be, of the other Two Superior Courts of Common Law, on the Day of its Sitting, at such Time as the Judges shall appoint, either in Term or in Vacation; or if the Proceedings in Error be before the High Court of Parliament, then before the High Court of Parliament, before or at the Time of its Sitting; and the Court of Error shall and may thereupon review the Proceedings, and give Judgment as they shall be advised thereon; and such Proceedings and Judgment, as altered or affirmed, shall be entered on the original Record; and such further Proceedings as may be necessary thereon shall be awarded by the Court in which the original Judgment was given.

Judgment Roll to be brought into Court instead of Transcript.

CLVL Courts of Error shall have Power to quash the Proceedings in Error in all Cases in which Error does not lie, or where they are taken against good Faith, or in any Case in which Proceedings in Error might heretofore have been quashed by such Courts; and such Courts shall in all respects have such Jurisdiction over the Proceedings as over the Proceedings in Error commenced by Writ of Error.

Jurisdiction of Courts of Error over the Proceedings.

CLVII. Courts of Error shall in all Cases have Power to give such Judgment, and award such Process, as the Court, from which Error is brought, ought to have done, without regard to the Party alleging Error.

Court of Error to have like Powers with Court below.

CLVIII. Either Party alleging Error in Fact may deliver to One of the Masters of the Court a Memorandum in Writing, in the Form contained in the Schedule (A.) to this Act annexed, marked No. 12., or to the like Effect, intituled in the Court and Cause, and signed by the Party or his Attorney, alleging that there is Error in Fact in the Proceedings, together with an Affidavit of the Matter of Fact in which the alleged Error consists; whereupon the Master shall file such Memorandum and Affidavit, and deliver to the Party lodging the same a Note of the Receipt thereof; and a Copy of such Note and Affidavit may be served on the opposite Party or his Attorney; and such Service shall have the same Effect, and the same Proceedings may be had thereafter

Proceedings in Error in Fact.

thereafter as heretofore had after the Service of the Rule for Allowance of a Writ of Error in Fact.

Plaintiff may  
discontinue  
Proceedings in  
Error.

CLIX. The Plaintiff in Error, whether in Fact or Law, shall be at liberty to discontinue his Proceedings by giving to the Defendant in Error a Notice, headed in the Court and Cause, and signed by the Plaintiff in Error or his Attorney, stating that he discontinues such Proceedings; and thereupon the Defendant in Error may sign Judgment for the Costs of, and occasioned by, the Proceedings in Error, and may proceed upon the Judgment on which the Error was brought.

Defendant may  
confess Error,  
and consent to  
Reversal of  
Judgment.

CLX. The Defendant in Error, whether in Fact or Law, shall be at liberty to confess Error, and consent to the Reversal of the Judgment, by giving to the Plaintiff in Error a Notice, headed in the Court and Cause, and signed by the Defendant in Error or his Attorney, stating that he confesses the Error, and consents to the Reversal of the Judgment; and thereupon the Plaintiff in Error shall be entitled to and may forthwith sign a Judgment of Reversal.

Death of Plain-  
tiff in Error no  
Abatement.

CLXI. The Death of a Plaintiff in Error after Service of the Note of the Receipt of the Memorandum alleging Error, with a Statement of the Grounds of Error, shall not cause the Proceedings to abate, but they may be continued as herein-after mentioned.

Providing for  
Death of One of  
several Plaintiffs  
in Error.

CLXII. In case of the Death of One of several Plaintiffs in Error, a Suggestion may be made of the Death, which Suggestion shall not be traversable, but shall only be subject to be set aside if untrue, and the Proceedings may be thereupon continued at the Suit of, and against the surviving Plaintiff in Error, as if he were the sole Plaintiff.

Proceedings  
upon Death of  
sole Plaintiff or  
of all the Plain-  
tiffs in Error.

CLXIII. In case of the Death of a sole Plaintiff or of several Plaintiffs in Error, the legal Representative of such Plaintiff or of the surviving Plaintiff may, by Leave of the Court or a Judge, enter a Suggestion of the Death, and that he is such legal Representative, which Suggestion shall not be traversable, but shall only be subject to be set aside if untrue, and the Proceedings may thereupon be continued at the Suit of, and against such legal Representative as the Plaintiff in Error; and, if no such Suggestion shall be made, the Defendant in Error may proceed to an Affirmance of the Judgment according to the Practice of the Court, or take such other Proceedings thereupon as he may be entitled to.

Death of De-  
fendant in Error  
no Abatement.

CLXIV. The Death of a Defendant in Error shall not cause the Proceedings to abate, but they may be continued as herein-after mentioned.

Proceedings on  
Death of One of  
several Defen-  
dants in Error.

CLXV. In case of the Death of One of several Defendants in Error, a Suggestion may be made of the Death, which Suggestion shall not be traversable, but only be subject to be set aside if untrue, and the Proceedings may be continued against the surviving Defendant.

Proceedings on  
Death of sole  
Defendant or of  
all the Defen-  
dants in Error.

CLXVI. In case of the Death of a sole Defendant or of all the Defendants in Error, the Plaintiff in Error may proceed upon giving Ten Days Notice of the Proceedings in Error, and of his Intention to continue the same, to the Representatives of the

deceased

deceased Defendants, or if no such Notice can be given, then, by Leave of the Court or a Judge, upon giving such Notice to the Parties interested as he or they may direct.

CLXVII. The Marriage of a Woman, Plaintiff or Defendant in Error, shall not abate the Proceedings in Error, but the same may be continued in like Manner as herein-before provided with reference to the Continuance of an Action after Marriage.

Marriage not to  
abate Proceed-  
ings in Error.

And with respect to the Action of Ejectment, be it enacted as follows :

Ejectment.

CLXVIII. Instead of the present Proceeding by Ejectment, a Writ shall be issued, directed to the Persons in possession by Name, and to all Persons entitled to defend the Possession of the Property claimed, which Property shall be described in the Writ with reasonable Certainty.

Ejectment to be  
brought by Writ.

CLXIX. The Writ shall state the Names of all the Persons in whom the Title is alleged to be, and command the Persons, to whom it is directed, to appear, within Sixteen Days after Service thereof, in the Court from which it is issued, to defend the Possession of the Property sued for, or such Part thereof as they may think fit, and it shall contain a Notice that in default of Appearance they will be turned out of Possession ; and the Writ shall bear Teste of the Day on which it is issued, and shall be in force for Three Months, and shall be in the Form contained in the Schedule (A.) to this Act annexed, marked No. 13., or to the like Effect ; and the Name and Abode of the Attorney issuing the same, or, if no Attorney, the Name and Residence of the Party, shall be indorsed thereon, in like Manner as herein-before enacted with reference to the Indorsements on a Writ of Summons in a Personal Action ; and the same Proceedings may be had to ascertain whether the Writ was issued by the Authority of the Attorney whose Name was indorsed thereon, and who and what the Claimants are, and their Abode, and as to staying the Proceedings upon Writs issued without Authority, as in the Case of Writs in Personal Actions.

Form and Du-  
ration of Writ  
of Ejectment.

CLXX. The Writ shall be served in the same Manner as an Ejectment has heretofore been served, or in such Manner as the Court or a Judge shall order, and in case of vacant Possession, by posting a Copy thereof upon the Door of the Dwelling House or other conspicuous Part of the Property.

Service of Writ  
of Ejectment.

CLXXI. The Persons named as Defendants in such Writ, or either of them, shall be allowed to appear within the Time appointed.

Appearance of  
Persons named.

CLXXII. Any other Person not named in such Writ shall, by Leave of the Court or a Judge, be allowed to appear and defend, on filing an Affidavit showing that he is in possession of the Land either by himself or his Tenant.

Appearance of  
Persons not  
named.

CLXXIII. Any Person appearing to defend as Landlord in respect of Property, whereof he is in possession only by his Tenant, shall state in his Appearance that he appears as Landlord ; and such Person shall be at liberty to set up any Defence which a Landlord appearing in an Action of Ejectment has heretofore been allowed to set up, and no other.

Appearance and  
Defence by  
Landlord.

CLXXIV. Any



to be tried ; and any Defendant in such Action may, at any Time before the Trial thereof, apply to a Judge by Summons to stay or set aside the Proceedings, or to postpone the Trial until the next Assizes ; and it shall be lawful for the Judge, in his Discretion, to make such Order in the said Cause as to him shall seem expedient.

Saving of former Remedies.

CCXVIII. Nothing herein contained shall be construed to prejudice or affect any other Right of Action or Remedy which Landlords may possess in any of the Cases herein-before provided for, otherwise than herein-before expressly enacted.

In Ejectment by Mortgagee, the Mortgagor's rendering the Principal, Interest, and Costs in Court shall be deemed a full Satisfaction, and the Court may compel the Mortgagee to re-convey.

CCXIX. Where an Action of Ejectment shall be brought by any Mortgagee, his Heirs, Executors, Administrators, or Assignees, for the Recovery of the Possession of any mortgaged Lands, Tenements, or Hereditaments, and no Suit shall be then depending in any of Her Majesty's Courts of Equity in that Part of *Great Britain* called *England*, for or touching the foreclosing or redeeming of such mortgaged Lands, Tenements, or Hereditaments, if the Person having Right to redeem such mortgaged Lands, Tenements, or Hereditaments, and who shall appear and become Defendant in such Action, shall, at any Time pending such Action, pay unto such Mortgagee, or, in case of his Refusal, shall bring into Court, where such Action shall be depending, all the Principal Monies and Interest due on such Mortgage, and also all such Costs as have been expended in any Suit at Law or in Equity upon such Mortgage (such Money for Principal, Interest, and Costs to be ascertained and computed by the Court where such Action is or shall be depending, or by the proper Officer by such Court to be appointed for that Purpose), the Monies so paid to such Mortgagee, or brought into such Court, shall be deemed and taken to be in full Satisfaction and Discharge of such Mortgage, and the Court shall and may discharge every such Mortgagor or Defendant of and from the same accordingly ; and shall and may, by Rule of the same Court, compel such Mortgagee, at the Costs and Charges of such Mortgagor, to assign, surrender, or re-convey such mortgaged Lands, Tenements, and Hereditaments, and such Estate and Interest as such Mortgagee has therein, and deliver up all Deeds, Evidences, and Writings in his Custody, relating to the Title of such mortgaged Lands, Tenements, and Hereditaments, unto such Mortgagor, who shall have paid or brought such Monies into the Court, his Heirs, Executors, or Administrators, or to such other Person or Persons as he or they shall for that Purpose nominate or appoint.

Not to extend to Cases where the Right of Redemption is controverted, or the Money due not adjusted ;

CCXX. Nothing herein contained shall extend to any Case where the Person, against whom the Redemption is or shall be prayed, shall (by Writing under his Hand, or the Hand of his Attorney, Agent, or Solicitor, to be delivered before the Money shall be brought into such Court of Law, to the Attorney or Solicitor for the other Side,) insist, either that the Party praying a Redemption has not a Right to redeem, or that the Premises are chargeable with other or different Principal Sums, than what appear on the Face of the Mortgage or shall be admitted on the other Side ; or to any Case where the Right of Redemption to the mortgaged Lands and Premises in question in any Cause Suit or shall be controverted or questioned by or between different Defendants

or to prejudice any subsequent Mortgage.

pendants in the same Cause or Suit; or shall be any Prejudice to any subsequent Mortgage or subsequent Incumbrance, anything herein contained to the contrary thereof in anywise notwithstanding.

CCXXI. The several Courts and the Judges thereof respectively shall and may exercise over the Proceedings the like Jurisdiction as heretofore exercised in the Action of Ejectment, so as to ensure a Trial of the Title, and of actual Ouster, when necessary, only, and for all other Purposes for which such Jurisdiction may at present be exercised; and the Provisions of all Statutes not inconsistent with the Provisions of this Act, and which may be applicable to the altered Mode of Proceeding, shall remain in force and be applied thereto.

Jurisdiction of  
Courts and  
Judges.

‘ And whereas the Power of Amendment now vested in the Courts and the Judges thereof is insufficient to enable them to prevent the Failure of Justice by reason of Mistakes and Objections of Form:’ Be it enacted as follows :

*Amendment.*

CCXXII. It shall be lawful for the Superior Courts of Common Law, and every Judge thereof, and any Judge sitting at Nisi Prius, at all Times to amend all Defects and Errors in any Proceeding in Civil Causes, whether there is anything in Writing to amend by or not, and whether the Defect or Error be that of the Party applying to amend, or not; and all such Amendments may be made with or without Costs, and upon such Terms as to the Court or Judge may seem fit; and all such Amendments as may be necessary for the Purpose of determining in the existing Suit the real Question in controversy between the Parties shall be so made.

*Amendment.*

And in order to enable the Courts and Judges to carry this Act thoroughly into effect, and to enable them from Time to Time to make Rules and Regulations and to frame Writs and Proceedings for that Purpose, be it enacted as follows :

*Power to Judges  
to make Rules  
and frame Writs  
and Proceedings.*

CCXXIII. It shall be lawful for the Judges of the said Courts, or any Eight or more of them, of whom the Chiefs of each of the said Courts shall be Three, from Time to Time to make all such General Rules and Orders for the effectual Execution of this Act, and of the Intention and Object hereof, and for fixing the Costs to be allowed for and in respect of the Matters herein contained, and the Performance thereof, and for apportioning the Costs of Issues, and for the Purpose of enforcing Uniformity of Practice in the Allowance of Costs in the said Courts, and of ensuring as far as may be practicable an equal Division of the Business of Taxation amongst the Masters of the said Courts, as in their Judgment shall be necessary or proper, and for that Purpose to meet from Time to Time as Occasion may require: and it shall further be lawful for the Judges of the said Courts, or any Eight or more of them, of whom the Chiefs of each of the said Courts shall be Three, from Time to Time to exercise all the Powers and Authority given to them by an Act of Parliament passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled *An Act to enable the Judges of the Common Law at Westminster to alter the Forms of Pleading*, with respect to any Matter herein contained relative to Practice

*General Rules  
may be made by  
the Judges.*

13 & 14 Vict.  
c. 16.

Practice or Pleading, anything in this Act to the contrary notwithstanding; and the Provisions of the said last-mentioned Act as to the Rules, Orders, or Regulations made in pursuance thereof shall be held applicable to any Rules, Orders, or Regulations which shall be made in pursuance of this Act: Provided that nothing herein contained shall be construed to restrain the Authority or limit the Jurisdiction of the said Courts or the Judges thereof to make Rules or Orders, or otherwise to regulate and dispose of the Business therein.

New Forms of Writs and other Proceedings.

CCXXIV. Such new or altered Writs and Forms of Proceedings may be issued, entered, and taken, as may by the Judges of the said Courts, or any Eight or more of them, of whom the Chiefs of each of the said Courts shall be Three, be deemed necessary or expedient for giving Effect to the Provisions herein-before contained, and in such Forms as the Judges of such Courts respectively shall from Time to Time think fit to order; and such Writs and Proceedings shall be acted upon and enforced in such and the same Manner as Writs and Proceedings of the said Courts are now acted upon and enforced, or as near thereto as the Circumstances of the Case will admit; and any existing Writ or Proceeding, the Form of which shall be in any Manner altered in pursuance of this Act, shall nevertheless be of the same force and virtue as if no Alteration had been made therein, except so far as the Effect thereof may be varied by this Act.

Rules may be made by each Court for Government of its Officers.

CCXXV. It shall and may be lawful to and for the Judges of each of the said Courts from Time to Time to make such Rules and Orders for the Government and Conduct of the Ministers and Officers of their respective Courts, in and relating to the Distribution and Performance of the Duties and Business to be done and performed in the Execution of this Act, as such Judges may think fit and reasonable: Provided always, that no additional Charge be thereby imposed on the Suitors.

Effect of Injunction.

‘ And whereas it is expedient that Injunctions and Orders to ‘ stay Proceedings should be rendered more effectual:’ Be it enacted as follows:

Injunctions and Orders to stay Proceedings to have a specific Effect.

CCXXVI. In case any Action, Suit, or Proceeding in any Court of Law or Equity shall be commenced, sued, or prosecuted, in disobedience of and contrary to any Writ of Injunction, Rule, or Order of either of the Superior Courts of Law or Equity at *Westminster*, or of any Judge thereof, in any other Court than that by or in which such Injunction may have been issued, or Rule or Order made, upon the Production to any such other Court or Judge thereof of such Writ of Injunction, Rule, or Order, the said other Court (in which such Action, Suit, or Proceeding may be commenced, prosecuted, or taken), or any Judge thereof, shall stay all further Proceedings contrary to any such Injunction, Rule, or Order; and thenceforth all further and subsequent Proceedings shall be utterly null and void to all Intents and Purposes: Provided always, that nothing herein contained shall be held to diminish, alter, abridge, or vary the Liability of any Person or Persons commencing, suing, or prosecuting any such Action, Suit, or Proceeding contrary to any Injunction, Rule, or Order of either of the Courts aforesaid, to any Attachment, Punishment, or other Proceeding

Proceeding to which any such Person or Persons are, may, or shall be liable in Cases of Contempt of either of the Courts aforesaid, in regard to the commencing, suing, or prosecuting such Action, Suit, or Proceeding.

And be it enacted as follows :

CCXXVII. In the Construction of this Act the Word "Court" shall be understood to mean any One of the Superior Courts of Common Law at *Westminster* in which any Action is brought ; and the Word "Judge" shall be understood to mean a Judge or Baron of any of the said Courts ; and the Word "Master" shall be understood to mean a Master of any of the said Courts ; and the Word "Action" shall be understood to mean any Personal Action brought by Writ of Summons in any of the said Courts ; and no Part of the United Kingdom of *Great Britain* and *Ireland*, nor the Islands of *Man*, *Guernsey*, *Jersey*, *Alderney*, or *Sark*, nor any Islands adjacent to any of them, being Part of the Dominions of Her Majesty, shall be deemed to be "beyond the Seas" within the Meaning of this Act : And wherever in this Act, in describing or referring to any Person or Party, Matter or Thing, any Word importing the Singular Number or Masculine Gender is used, the same shall be understood to include and shall be applicable to several Persons and Parties as well as One Person or Party, and Females as well as Males, and Bodies Corporate as well as Individuals, and several Matters and Things as well as One Matter or Thing, unless it otherwise be provided, or there be something in the Subject or Context repugnant to such Construction.

Interpretation  
of Terms.

CCXXVIII. It shall be lawful for Her Majesty from Time to Time, by an Order in Council, to direct that all or any Part of the Provisions of this Act or of the Rules to be made in pursuance thereof shall apply to all or any Court or Courts of Record in *England* or *Wales*, and within One Month after such Order shall have been made and published in the *London Gazette* such Provisions and Rules respectively shall extend and apply in manner directed by such Order ; and any such Order may be in like Manner from Time to Time altered or annulled.

Her Majesty  
may direct all  
or Part of this  
Act to extend  
to any Court of  
Record.

CCXXIX. 'And whereas it is expedient to apply the Provisions of this Act, with the requisite Modifications, to the Superior Courts of the Counties Palatine of *Lancaster* and *Durham* respectively : 'All the Enactments and Provisions of this Act with respect to Writs for the Commencement of Personal Actions, except such as relate to the Teste thereof in the Name of a Judge, to concurrent Writs, and to the Service of Writs elsewhere than in the Counties Palatine of *Lancaster* and *Durham* respectively, and Proceedings against Parties residing out of the Jurisdiction of the said Courts ; and all the Provisions of this Act with respect to the Appearance of the Defendant and Proceedings of the Plaintiff in default of Appearance ; and with respect to the Joinder of Parties to Actions and Joinder of Causes of Action ; and with respect to the Determination of Questions raised by Consent of the Parties without pleading ; and with respect to the Language and Form of Pleadings, and Provisions as to Pleadings, Profert, Oyer, setting out of Documents ; and with regard to the Time and Manner of declaring ; and as to Pleas and subsequent Pleadings,

Certain of the  
Provisions of  
this Act to ex-  
tend and apply  
to the Court of  
Common Pleas  
at Lancaster and  
the Court of  
Pleas at Dur-  
ham.

ings, and incident thereto; and Examples and Forms of Pleading and Causes of Action; and with respect to Judgment by Default, and the Mode of ascertaining the Amount to be recovered thereupon and incident thereto; and all the Provisions of this Act with respect to Juries and Jury Process; and with respect to the Admission of Documents; and with respect to the Expenses of Execution and the remaining in Force and Renewal of Execution, the discharging of Parties from Execution, and charging in Execution Persons in Prison; and with respect to Proceedings for the Revival of Judgments and other Proceedings by and against Persons not Parties to the Record; and with respect to the Effect of Death, Marriage, and Bankruptcy upon the Proceedings in an Action; and with respect to the Proceedings upon Motions to arrest the Judgment and for Judgment Non obstante veredicto; and with respect to Proceedings in Error subject to the Proviso herein-after contained; and all the Provisions of this Act with respect to the Action of Ejectment, and incident thereto; and with respect to the Power of Amendment by Courts and the Judges thereof, shall extend and apply to the Court of Common Pleas at *Lancaster* and the Court of Pleas at *Durham*, and Actions and Proceedings therein respectively.

Powers given by this Act to the Judges of the Superior Courts at *Westminster* to make Rules, &c. may be exercised by Judges of the Court of Common Pleas at *Lancaster* and Court of Pleas at *Durham* as to those Courts.

CCXXX. All the Powers given by this Act to the Judges of the said Superior Courts at *Westminster* to make Rules and Regulations for the Execution of this Act, and to frame Writs and Proceedings for that Purpose; and to the Judges of the said respective Courts to make Rules or Orders for the Government and Conduct of the Ministers and Officers thereof; and all other Powers by this Act given to or vested in the Judges of the said Superior Courts at *Westminster* to be exercised by more than One of them, except the Powers and Authority given by the said Act of Parliament passed in the Session of Parliament held in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled *An Act to enable the Judges of the Courts of Common Law at Westminster to alter the Forms of Pleading*, shall and may be exercised by the respective Judges of the said Court of Common Pleas at *Lancaster* and Court of Pleas at *Durham*, being Judges of One of the said Common Law Courts at *Westminster*, or any Two of them, with respect to the said Court of Common Pleas at *Lancaster* and Court of Pleas at *Durham* respectively, and the Ministers and Officers thereof, and Matters and Proceedings therein, within the Jurisdiction of the same Courts respectively; and all Powers under this Act exercisable by any One Judge of the Superior Courts at *Westminster*, shall and may be exercisable by One Judge of the said Superior Courts of the said Counties Palatine, being also a Judge of One of the said Courts at *Westminster*, as to Matters and Proceedings in the said Superior Courts of the said Counties Palatine.

Judges may make Rules for applying other Provisions of this Act to Court of Common Pleas at *Lancaster* and

CCXXXI. It shall and may be lawful to and for the Judges of each of the said Courts of Common Pleas at *Lancaster* and Pleas at *Durham*, being Judges of One of the Superior Courts at *Westminster*, or any Two of them, from Time to Time to make Rules and Orders for applying any of the other Provisions of this Act to the said respective Superior Courts of the said Counties Palatine, and Matters and Proceedings therein and Parties thereto, with

with such Modifications and Alterations with reference to the Constitution and peculiar Circumstances of such Court, as they may think fit and reasonable; and for modifying any of the Provisions hereby applied to such last-mentioned Courts respectively with reference to such Constitution and peculiar Circumstances; and from Time to Time to rescind, amend, or alter such Rules or Orders; and that such Rules or Orders, subject to such Power of Rescission, Amendment, and Alteration, shall have the same Force as if the same were made by and embodied in this Act.

Court of Pleas at Durham.

CCXXXII. Provided always, That all the Provisions of this Act applicable to Masters of the said Courts at *Westminster* shall apply to the respective Prothonotaries of the Court of Common Pleas at *Lancaster* and Court of Pleas at *Durham*, and their respective Deputies, who may singly exercise, with reference to Matters and Proceedings in the last-mentioned Courts respectively, the Powers hereby given to any One or more of the Masters of the Superior Courts at *Westminster*; and that such respective Officers shall record the Proceedings of Trials of Causes depending in the said respective Courts, and draw up and return Postea on Records from the Superior Courts at *Westminster*, tried in the said Counties Palatine respectively, and officiate at the Trial of such Causes therein as heretofore.

Provisions as to Masters of Courts at Westminster to apply to Prothonotaries of Courts at Lancaster and Durham, and their Deputies, &c.

CCXXXIII. Provided also, as to Proceedings in Error, that the Court of Queen's Bench shall still be the Court of Error from the said Court of Common Pleas at *Lancaster* and Court of Pleas at *Durham*; and that it shall be sufficient to transmit to the said Court of Queen's Bench a Transcript of the Record of any Judgment or Proceedings in those Courts on which Error is alleged; and that the Judgment of the Court of Queen's Bench thereon shall be certified by One of the Masters of the said Court of Queen's Bench on the said Transcript, or by Rule of Court, as the said Court may direct; and that thereupon such Judgment shall be entered on the original Record in the said respective Courts of Common Pleas at *Lancaster* and Pleas at *Durham*; and such further Proceedings as may be necessary thereon shall be awarded by the said respective Courts, subject to the Right of either Party to allege Errors in the said Judgment in the said Court of Queen's Bench, and proceed thereon as provided by this Act in the Case of Errors alleged in Actions depending in that Court.

As to Proceedings in Error.

CCXXXIV. From the Time when this Act shall commence and take effect so much of a certain Act of Parliament passed in the Fifth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for improving the Practice and Proceedings in the Court of Common Pleas of the County Palatine of Lancaster*, and so much of a certain other Act of Parliament passed in the Second Year of the Reign of Her present Majesty, intituled *An Act for improving the Practice and Proceedings of the Court of Pleas of the County Palatine of Durham and Sadberge*, as relate to the Duration of Writs; and to Alias and Pluries Writs, and to the Proceedings necessary for making the First Writ in any Action available to prevent the Operation of any Statute whereby the Time for the Commencement of any Action may be limited, shall be repealed, except so far as may be necessary for supporting any Writs that have been issued before the

Certain Provisions of 4 & 5 W. 4. c. 62. and 2 & 3 Vict. c. 16. repealed.

Commencement

Commencement of this Act, and any Proceedings taken or to be taken thereon; but that the other Provisions of the said last-mentioned Acts of Parliament, so far as they are not altered by or inconsistent with the Provisions of this Act, shall remain in force.

Short Title of  
Act.

CCXXXV. In citing this Act in any Instrument, Document, or Proceeding, it shall be sufficient to use the Expression "The Common Law Procedure Act, 1852."

Not to extend  
to Ireland or  
Scotland.

CCXXXVI. Nothing in this Act shall extend to *Ireland* or *Scotland*, except in the Cases herein specially mentioned.

## SCHEDULE (A.) referred to in the foregoing Act.

### No. 1.

*Writ where the Defendant resides within the Jurisdiction.*

VICTORIA, by the Grace of God, &c.

To C.D. of in the County of

We command you, That within Eight Days after the Service of this Writ on you, inclusive of the Day of such Service, you do cause an Appearance to be entered for you in Our Court of in an Action at the Suit of A.B.; and take notice, that in default of your so doing the said A.B. may proceed therein to Judgment and Execution. Witness, &c.

*Memorandum to be subscribed on the Writ.*

N.B.—This Writ is to be served within (Six) Calendar Months from the Date thereof, or, if renewed, from the Date of such Renewal, including the Day of such Date, and not afterwards.

*Indorsement to be made on the Writ before Service thereof.*

This Writ was issued by E.F. of Attorney for the said Plaintiff, or this Writ was issued in Person by A.B., who resides at [mention the City, Town, or Parish, and also the Name of the Hamlet, Street, and Number of the House of the Plaintiff's Residence, if any such.]

*Indorsement to be made on the Writ after Service thereof.*

This Writ was served by X.Y. on L.M. [the Defendant or One of the Defendants], on Monday the Day of 18 .

(Signed) X.Y.

### No. 2.

*Writ where the Defendant, being a British Subject, resides out of the Jurisdiction.*

VICTORIA, by the Grace of God, &c.

To C.D. of in the County of

We command you, That within [here insert a sufficient Number of Days within which the Defendant might appear, with reference to the Distance he may be at from England] Days after the Service of this Writ on you, inclusive of the Day of such Service, you do cause an Appearance to be entered for you in Our Court of in an Action at the Suit of A.B.; and take notice, that

that in default of your so doing the said *A.B.* may, by Leave of the Court or a Judge, proceed therein to Judgment and Execution. Witness, &c.

*Memorandum to be subscribed on the Writ.*

N.B.—This Writ is to be served within (*Six*) Calendar Months from the Date thereof, or, if renewed, from the Date of such Renewal, including the Day of such Date, and not afterwards.

*Indorsement to be made on the Writ before the Service thereof.*

This Writ is for Service out of the Jurisdiction of the Court, and was issued by *E.F.* of \_\_\_\_\_ Attorney for the said Plaintiff, or this Writ was issued in Person by *A.B.*, who resides at [*mention the City, Town, or Parish, and also the Name of the Hamlet, Street, and Number of the House of the Plaintiff's Residence, if any such.*]

*The Indorsement required by the 8th Section should be made on this Writ, but should allow the Defendant the Time limited for Appearance to pay the Debt and Costs.*

No. 3.

*Writ where the Defendant, not being a British Subject, resides out of the Jurisdiction.*

VICTORIA, by the Grace of God, &c.

To *C.D.* late of \_\_\_\_\_ in the  
County of \_\_\_\_\_

We command you, That within [*here insert a sufficient Number of Days within which the Defendant might appear, with reference to the Distance he may be at from England*] Days after Notice of this Writ is served on you, inclusive of the Day of such Service, you do cause an Appearance to be entered for you in Our Court of \_\_\_\_\_ in an Action at the Suit of *A.B.*; and take notice, that in default of your so doing the said *A.B.* may, by Leave of the Court or a Judge, proceed therein to Judgment and Execution. Witness, &c.

*Memorandum to be subscribed on the Writ.*

N.B.—Notice of this Writ is to be served within (*Six*) Calendar Months from the Date thereof, including the Day of such Date, and not afterwards.

*Indorsements as in other Cases.*

NOTICE of the foregoing Writ.

To *G.H.* late of [*Brighton in the County of Sussex*], or now residing at [*Paris in France*].

Take notice, That *A.B.* of \_\_\_\_\_ in the County of \_\_\_\_\_ England, has commenced an Action at Law against you *C.D.* in Her Majesty's Court of Queen's Bench, by a Writ of that Court, dated the \_\_\_\_\_ Day of \_\_\_\_\_ A.D. 18\_\_\_\_; and you are required, within \_\_\_\_\_ Days after the Receipt of this Notice, inclusive of the Day of such Receipt, to defend the said Action, by causing an Appearance to be entered for you in the said Court to the said Action; and in default of your so doing the said *A.B.* may,



Or,  
£50 on a Guarantee dated the 1st of January 1850, whereby  
the Defendant guaranteed the due Payment by *E.F.* of Goods  
supplied or to be supplied to him.

[ *To*

[To any of the above may be added, in Cases where Interest is payable, "the Plaintiff also claims Interest on £  
"of the above Sum from the Date of the Writ until Judgment."]

N.B.—Take notice, That if a Defendant served with this Writ within the Jurisdiction of the Court, do not appear according to the Exigency thereof, the Plaintiff will be at liberty to sign final Judgment for any Sum not exceeding the Sum above claimed [with Interest at the Rate specified], and the Sum of £ for Costs, and Issue Execution at the Expiration of Eight Days from the last Day for Appearance.

## No. 5.

In the Queen's Bench :

On the

Day of

A.D. 1850.

[Day of signing the Judgment.]

England } A.B. in his own Person [or, by his  
to wit. } Attorney] sued out a Writ of Summons against C.D.,  
indorsed according to the "Common Law Procedure Act, 1852,"  
as follows :

[Here copy special Indorsement.]

And the said C.D. has not appeared : Therefore it is considered that the said A.B. recover against the said C.D. £ together with £ for Costs of Suit.

## No. 6.

In the Queen's Bench :

The

Day of

in the Year of our Lord 18 .

Yorkshire } Whereas A.B. has sued C.D., and affirms  
to wit. } and denies.

[Here state the Question or Questions of Fact to be tried.]

And it has been ordered by the Hon. Mr. Justice according to "The Common Law Procedure Act, 1852," that the said Question shall be tried by a Jury : Therefore let the same be tried accordingly.

## No. 7.

*Form of Rule or Summons where a Judgment Creditor applies for Execution against a Judgment Debtor.*

[Formal Parts as at present.]

C.D. show Cause why A.B. [or as the Case may be] should not be at liberty to enter a Suggestion upon the Roll in an Action wherein the said A.B. was Plaintiff and the said C.D. was Defendant, and wherein the said A.B. obtained Judgment for £ against the said C.D. on the Day of , that it manifestly appears to the Court that the said A.B. is entitled to have Execution of the said Judgment, and to issue Execution thereupon, and why the said C.D. should not pay to the said A.B. the Costs of this Application, to be taxed.

[Note.—The above Form may be modified so as to meet the Case of an Application by or against the Representative of a Party to the Judgment.]

## No. 8.

*Form of Suggestion that the Judgment Creditor is entitled to Execution against the Judgment Debtor.*

And now on the \_\_\_\_\_ Day of \_\_\_\_\_ it is suggested and manifestly appears to the Court, that the said *A.B.* [or *C.D.*, as Executor of the last Will and Testament of the said *A.B.* deceased, or as the Case may be,] is entitled to have Execution of the Judgment aforesaid against the said *E.F.* [or against *G.H.*, as Executor of the last Will and Testament of the said *E.F.*, or as the Case may be]: Therefore it is considered by the Court that the said *A.B.* [or *C.D.*, as such Executor as aforesaid, or as the Case may be,] ought to have Execution of the said Judgment against the said *E.F.* [or against *G.H.*, as such Executor as aforesaid, or as the Case may be.]

## No. 9.

*Form of Writ of Revivor.*

VICTORIA, by the Grace of God, &c., to *E.F.* of \_\_\_\_\_ greeting.  
We command you that, within Eight Days after the Service of this Writ upon you, inclusive of the Day of such Service, you appear in our Court of \_\_\_\_\_ to show Cause why *A.B.* [or *C.D.*, as Executor of the last Will and Testament of the said *A.B.* deceased, or as the Case may be,] should not have Execution against you [if against a Representative, here insert, as Executor of the last Will and Testament of \_\_\_\_\_ deceased or as the Case may be] of a Judgment whereby the said *A.B.* [or as the Case may be] on the \_\_\_\_\_ Day of \_\_\_\_\_ in the said Court recovered against you [or as the Case may be] £ \_\_\_\_\_; and take notice, that in default of your so doing the said *A.B.* [or as the Case may be] may proceed to Execution.

Witness, &c.

## No. 10.

In the Queen's Bench:

The \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord 18 .  
[The Day of lodging Note of Error.]

*A.B.* and *C.D.*

The Plaintiff [or Defendant] says that there is Error in Law in the Record and Proceedings in this Action; and the Defendant [or Plaintiff] says that there is no Error therein.

(Signed) *A.B.*, Plaintiff.

[or *C.D.*, Defendant.]

[or *E.F.*, Attorney for Plaintiff  
or Defendant].

## No. 11.

The \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord 18 .  
[The Day of making the Entry on the Roll.]

The Plaintiff [or Defendant] says that there is Error in the above Record and Proceedings, and the Defendant [or Plaintiff] says there is no Error therein.

## No. 12.

## No. 12.

In the Queen's Bench :

The Day of in the Year of our Lord 18 .

[ *The Day of lodging Note of Error.* ]

A.B. and C.D. in Error.

The Plaintiff [or Defendant] says that there is Error in Fact in the Record and Proceedings in this Action, in the Particulars specified in the Affidavit hereunto annexed.

(Signed) A.B., Plaintiff.

[or C.D., Defendant.]

[or E.F., Attorney for Plaintiff]

[or Defendant].

## No. 13.

## EJECTMENT.

*Form of Writ.*

VICTORIA, &c., to X, Y, Z, and all Persons entitled to defend the Possession of [describe the Property with reasonable Certainty] in the Parish of in the County of to the Possession whereof A., B., and C., some or One of them, claim to be [or to have been on and since the Day of A.D. ] entitled, and to eject all other Persons therefrom: These are to will and command you, or such of you as deny the alleged Title, within Sixteen Days after Service hereof, to appear in Our Court of to defend the said Property, or such Part thereof as you may be advised; in default whereof Judgment may be signed, and you turned out of Possession.

Witness, &amp;c.

## No. 14.

*Judgment in Ejectment in case of Nonappearance.*

In the Queen's Bench :

The Day of 18 .

[ *Date of Writ.* ]

Lancashire } On the Day and Year above written, a Writ of our  
to wit. } Lady the Queen issued forth of this Court in these  
Words; that is to say,

VICTORIA, by the Grace of God [here copy the Writ]; and no Appearance has been entered or Defence made to the said Writ: Therefore it is considered that the said [here insert the Names of the Persons in whom Title is alleged in the Writ] do recover Possession of the Land in the said Writ mentioned, with the Appurtenances.

## No. 15.

In the Queen's Bench :

On the Day of A.D. 18 .

Cumberland } On the Day and Year above written, a Writ of our  
to wit. } Lady the Queen issued forth of this Court, in these  
Words; that is to say,

VICTORIA, by the Grace of God [here copy the Writ]; and C.D. has, on the Day of appeared by

his Attorney [*or in Person*] to the said Writ, and has defended for a Part of the Land in the Writ mentioned; that is to say [*here state the Part*], and no Appearance has been entered or Defence made to the said Writ, except as to the said Part: Therefore it is considered that the said *A.B.* [*the Claimant*] do recover Possession of the Land in the said Writ mentioned, except the said Part, with the Appurtenances, and that he have Execution thereof forthwith; and as to the rest, let a Jury come, &c.

## No. 16.

In the Queen's Bench:

On the	Day of	A.D. 18 .
Cumberland } On the Day and Year above written, a Writ of our to wit. } Lady the Queen issued forth of this Court, in these Words; that is to say,		

VICTORIA, by the Grace of God [*here copy the Writ*]; and  
*C.D.* has, on the . Day of appeared by  
 his Attorney [*or in Person*], to the said Writ, and  
 defended for the whole of the Land therein mentioned: Therefore  
 let a Jury come, &c.

## No. 17.

Afterwards on the	Day of	A.D.
before	and	Justices of
our Lady the Queen assigned to take the Assizes in and for the within County, come the Parties within mentioned; and a Jury of the said County being sworn to try the Matters in question between the said Parties, upon their Oath say, that <i>A.B.</i> [ <i>the Claimant</i> ] within mentioned, on the Day of A.D. was, and still is, entitled to the Possession of the Land within mentioned, as in the Writ alleged: Therefore, &c.		

## No. 18.

In the Queen's Bench:

On the	Day of	18 .
	[ <i>Date of Writ.</i> ]	
Lancashire } On the Day and Year above written, a Writ of our to wit. } Lady the Queen issued forth of this Court, in these Words; that is to say,		

VICTORIA, by the Grace of God [*here copy the Writ*]; and  
*C.D.* has, on the Day of appeared  
 by his Attorney [*or in Person*] to the said Writ,  
 and *A.B.* has discontinued the Action: Therefore it is considered  
 that the said *C.D.* be acquitted, and that he recover against the  
 said *A.B.* £ for his Cost of Defence.

## No. 19.

In the Queen's Bench:

The	Day of	18 .
	[ <i>Date of Writ.</i> ]	
Lancashire } On the Day and Year above written, a Writ of our to wit. } Lady the Queen issued forth of this Court, in these Words; that is to say,		

VICTORIA,

VICTORIA, by the Grace of God [*here copy the Writ*]; and  
*C.D.* has, on the Day of appeared  
 by his Attorney [*or in Person*] to the said Writ,  
 and *A.B.* has failed to proceed to Trial, although duly required so  
 to do: Therefore it is considered that the said *C.D.* be acquitted,  
 and that he recover against the said *A.B.* £ for his  
 Costs of Defence.

No. 20.

In the Queen's Bench:

The Day of 18 .

[*Date of Writ.*]

Lancashire } On the Day and Year above written, a Writ of our  
 to wit. } Lady the Queen issued forth of this Court, in these  
 Words; that is to say,

VICTORIA, by the Grace of God [*here copy the Writ*]; and  
*C.D.* has, on the Day of appeared  
 by his Attorney [*or in Person*] to the said Writ,  
 and the said *C.D.* has confessed the said Action [*or has confessed*  
 the said Action as to Part of the said Land, that is to say, *here*  
*state the Part*]: Therefore it is considered that the said *A.B.* do  
 recover Possession of the Land in the said Writ mentioned [*or*  
 of the said Part of the said Land], with the Appurtenances, and  
 £ for Costs.

No. 21.

In the Queen's Bench:

The Day of A.D. 18 .

[*Date of Writ.*]

Yorkshire } On the Day and Year above written, a Writ of our  
 to wit. } Lady the Queen issued forth of this Court, with a  
 Notice thereunder written, the Tenor of which Writ and Notice  
 follows in these Words; that is to say,

[*Here copy the Writ and Notice, which latter may be as follows:*]

"Take notice, That you will be required, if ordered by the  
 Court or a Judge, to give Bail by yourself and Two sufficient  
 Sureties, conditioned to pay the Costs and Damages which shall  
 be recovered in this Action."

And *C.D.* has appeared by his Attorney [*or in*  
*Person*] to the said Writ, and has been ordered to give Bail, pur-  
 suant to the Statute, and has failed so to do: Therefore it is  
 considered that the said [*here insert Name of Landlord*] do recover  
 Possession of the Land in the said Writ mentioned, with the Ap-  
 purtenances, together with £ for Costs of Suit.

## SCHEDULE (B.)

## FORMS OF PLEADINGS.

## STATEMENTS OF CAUSES OF ACTION.

## On Contracts.

1. Money payable by the Defendant to the Plaintiff for [*these*  
*Words* Money payable, &c., should precede Money Counts like

1. to 14, but need only be inserted in the first] Goods bargained and sold by the Plaintiff to the Defendant.

2. Work done and Materials provided by the Plaintiff for the Defendant at his Request.

3. Money lent by the Plaintiff to the Defendant.

4. Money paid by the Plaintiff for the Defendant at his Request.

5. Money received by the Defendant for the Use of the Plaintiff.

6. Money found to be due from the Defendant to the Plaintiff on Accounts stated between them.

7. A Message and Lands sold and conveyed by the Plaintiff to the Defendant.

8. The Goodwill of a Business of the Plaintiff, sold and given up by the Plaintiff to the Defendant.

9. The Defendant's Use, by the Plaintiff's Permission, of Messuages and Lands of the Plaintiff.

10. The Defendant's Use, by the Plaintiff's Permission, of a Fishery of the Plaintiff.

11. Fines payable by the Defendant as Tenant of Customary Tenements of the Manor of \_\_\_\_\_ to the Plaintiff as Lord of the said Manor, for the Admission of the Defendant into the said Customary Tenements.

12. The Hire of [*as the Case may be*], by the Plaintiff let to hire to the Defendant.

13. Freight for the Conveyance by the Plaintiff for the Defendant at his Request of Goods in Ships.

14. The Demurrage of a Ship of the Plaintiff kept on Demurrage by the Defendant.

15. That the Defendant on the \_\_\_\_\_ Day of \_\_\_\_\_ A.D., by his Promissory Note, now over-due, promised to pay to the Plaintiff £ \_\_\_\_\_ Two Months after Date, but did not pay the same.

16. That one A., on, &c. [*Date*], by his Promissory Note, now over-due, promised to pay to the Defendant, or Order, £ \_\_\_\_\_ [*Two*] Months after Date; and the Defendant indorsed the same to the Plaintiff; and the said Note was duly presented for Payment, and was dishonoured, whereof the Defendant had due Notice, but did not pay the same.

17. That the Plaintiff, on, &c. [*Date*], by his Bill of Exchange, now over-due, directed to the Defendant, required the Defendant to pay to the Plaintiff £ \_\_\_\_\_ Two Months after Date; and the Defendant accepted the said Bill, but did not pay the same.

18. That the Defendant, on, &c. [*Date*], by his Bill of Exchange, directed to A., required A. to pay to the Plaintiff £ \_\_\_\_\_ [*Two*] Months after Date; and the said Bill was duly presented for Acceptance, and was dishonoured, of which the Defendant had due Notice, but did not pay the same.

19. That the Plaintiff and Defendant agreed to marry one another, and a reasonable Time for such Marriage has elapsed, and the Plaintiff has always been ready and willing to marry the Defendant, yet the Defendant has neglected and refused to marry the Plaintiff.

20. That the Plaintiff and Defendant agreed to marry one another on a Day now elapsed, and the Plaintiff was ready and willing

willing to marry the Defendant on that Day, yet the Defendant neglected and refused to marry the Plaintiff.

21. That the Defendant, by warranting a Horse to be then sound and quiet to ride, sold the said Horse to the Plaintiff, yet the said Horse was not then sound and quiet to ride.

22. That the Plaintiff and the Defendant agreed by Charter-party, that the Plaintiff's Ship called the "Ariel" should with all convenient Speed sail to *R.*, or so near thereto as she could safely get, and that the Defendant should there load her with a full Cargo of Tallow or other lawful Merchandise, which she should carry to *H.*, and there deliver, on Payment of Freight £                      per Ton, and that the Defendant should be allowed Ten Days for loading, and Ten for Discharge, and Ten Days for Demurrage, if required, at £                      per Day; and that the Plaintiff did all Things necessary on his Part to entitle him to have the agreed Cargo loaded on board the said Ship at *R.*, and that the Time for so doing has elapsed, yet the Defendant made default in loading the agreed Cargo.

23. That the Plaintiff let to the Defendant a House, No. 401, Piccadilly, for Seven Years, to hold from the                      Day of A.D.                      at £                      a Year, payable quarterly, of which Rent                      Quarters are due and unpaid.

24. That the Plaintiff by Deed let to the Defendant a House, No. 401, Piccadilly, to hold for Seven Years from the Day of                      A.D.                      , and the Defendant by the said Deed covenanted with the Plaintiff well and substantially to repair the said House during the said Term [*according to the Covenant*], yet the said House was during the said Term out of good and substantial Repair.

*For Wrongs independent of Contract.*

25. That the Defendant broke and entered certain Land of the Plaintiff, called the Big Field, and depastured the same with Cattle.

26. That the Defendant assaulted and beat the Plaintiff, gave him into Custody to a Policeman, and caused him to be imprisoned in a Police Office.

27. That the Defendant debauched and carnally knew the Plaintiff's Wife.

28. That the Defendant converted to his own Use, or wrongfully deprived the Plaintiff of the Use and Possession of the Plaintiff's Goods; that is to say, Iron, Hops, Household Furniture [*or as the Case may be*].

29. That the Defendant detained from the Plaintiff his Title Deeds of Land called Belmont in the County of                      ; that is to say, [*describe the Deeds*].

30. That the Plaintiff was possessed of a Mill, and by reason thereof was entitled to the Flow of a Stream for working the same, and the Defendant, by cutting the Bank of the said Stream, diverted the Water thereof away from the said Mill.

31. That the Plaintiff was the first and true Inventor of a certain new Manufacture, that is to say, of "certain Improvements in the Manufacture of Sulphuric Acid," and thereupon Her Majesty Queen Victoria, by Letters Patent under the Great Seal of England,



land, granted the Plaintiff the sole Privilege to make, use, exercise, and vend the said Invention within England for the Term of Fourteen Years from the Day of A.D. , subject to a Condition that the Plaintiff should within Six Calendar Months next after the Date of the said Letters Patent cause to be enrolled in the High Court of Chancery an Instrument in Writing under his Hand and Seal, particularly describing and ascertaining the Nature of his said Invention, and in what Manner the same was to be and might be performed, and the Plaintiff did within the Time prescribed fulfil the said Condition, and the Defendant during the said Term did infringe the said Patent Right.

32. That the Defendant falsely and maliciously spoke and published of the Plaintiff the Words following ; that is to say, "he is a Thief ;"

*[if there be any special Damage, here state it with such reasonable Particularity as to give Notice to the Defendant of the peculiar Injury complained of ; for instance,]*

whereby the Plaintiff lost his Situation as Gamekeeper in the Employ of A.

33. That the Defendant falsely and maliciously printed and published of the Plaintiff in a Newspaper called " the Words following ; that is to say, "he is a regular Prover under Bankruptcies," the Defendant meaning thereby that the Plaintiff had proved and was in the habit of proving fictitious Debts against the Estates of Bankrupts, with the Knowledge that such Debts were fictitious.

#### COMMENCEMENT OF PLEA.

34. The Defendant by his Attorney [or in Person] says [*here state the Substance of the Plea*].

35. And for a Second Plea the Defendant says [*here state the Second Plea*].

#### *Pleas in Actions on Contracts.*

36. That he never was indebted as alleged.

*[This Plea is applicable to Declarations like those numbered 1 to 14.]*

37. That he did not promise as alleged.

*[This Plea is applicable to other Declarations on Simple Contracts, not on Bills and Notes, such as those numbered 19 to 22. It would be unobjectionable to use "did not warrant," "did not agree," or any other appropriate Denial.]*

38. That the alleged Deed is not his Deed.

39. That the alleged Cause of Action did not accrue within Six Years [*state the Period of Limitation applicable to the Case*] before this Suit.

40. That before Action he satisfied and discharged the Plaintiff's Claim by Payment.

41. That the Plaintiff at the Commencement of this Suit was, and still is, indebted to the Defendant in an Amount equal to the Plaintiff's Claim, for [*here state the Cause of Set-off, as in a Declaration ; see Forms ante*], which Amount the Defendant is willing to set off against the Plaintiff's Claim.

42. That *after the alleged Claim accrued, and before this Suit*, the Plaintiff by Deed released the Defendant therefrom.

*Pleas*

***Pleas in Actions for Wrongs independent of Contract.***

43. That he is not guilty.

44. That he did what is complained of by the Plaintiff's Leave.

45. That the Plaintiff first assaulted the Defendant, who there-upon necessarily committed the alleged Assault in his own Defence.

46. That the Defendant, at the Time of the alleged Trespass, was possessed of Land the Occupiers whereof for Twenty Years before this Suit enjoyed as of Right and without Interruption a Way on Foot and with Cattle from a public Highway over the said Land of the Plaintiff to the said Land of the Defendant, and from the said Land of the Defendant over the said Land of the Plaintiff to the said public Highway, at all Times of the Year, for the more convenient Occupation of the said Land of the Defendant, and that the alleged Trespass was a Use by the Defendant of the said Way.

47. That the Defendant, at the Time of the alleged Trespass, was possessed of Land, the Occupiers whereof for Thirty Years before this Suit enjoyed as of Right and without Interruption Common of Pasture over the said Land of the Plaintiff for all their Cattle, levant and couchant, upon the said Land of the Defendant, at all Times of the Year, as to the said Land of the Defendant appertaining, and that the alleged Trespass was a Use by the Defendant of the said Right of Common.

## REPLICATIONS.

48. The Plaintiff takes Issue upon the Defendant's 1st, 2d, &c. Pleas.

49. The Plaintiff as to the Second Plea says [*here state the Answer to the Plea as in the following Forms*].

50. That the alleged Release is not the Plaintiff's Deed.

51. That the alleged Release was procured by the Fraud of the Defendant.

52. That the alleged Set-off did not accrue within Six Years before this Suit.

53. That the Plaintiff was possessed of Land whereon the Defendant was trespassing and doing Damage, whereupon the Plaintiff requested the Defendant to leave the said Land, which the Defendant refused to do; and thereupon the Plaintiff gently laid his Hands on the Defendant in order to remove him, doing no more than was necessary for that Purpose, which is the alleged First Assault by the Plaintiff.

54. That the Occupiers of the said Land did not for Twenty Years before this Suit enjoy as of Right and without Interruption the alleged Way.

### NEW ASSIGNMENT.

**55. The Plaintiff, as to the                                  and                                  Pleas, says,**  
**that he sues not for the Trespasses therein admitted, but for Tres-**  
**passes committed by the Defendant in Excess of the alleged Rights,**  
**and also in other Parts of the said Land and on other Occasions,**  
**and for other Purposes than those referred to in the said Pleas.**

[If the Plaintiff replies and new assigns, the new Assignment may be as follows:]

**56. And**



VII. And whereas *Robert Brown*, One of the Clerks in the Office of such Chief Registrar, is now of the Age of Seventy-nine Years, and has been in such Office since the Establishment of a Court in Bankruptcy in the Year One thousand eight hundred and thirty-one, and in consequence of his Age he is now desirous of retiring from his Office: Be it therefore enacted, That from and after the Commencement of this Act the said *Robert Brown* shall cease to hold his said Office, and there shall thenceforth be paid to him during his Life the annual Sum of Two hundred Pounds, which annual Sum shall be charged upon the Monies and Securities standing to the Credit of the Account intituled "The Chief Registrar's Account," and shall be payable and paid at such Times as the Lord Chancellor shall by any Order or Orders from Time to Time direct, together with a proportionate Part thereof for the Time which shall have elapsed from the last Payment thereof to the Day of the Death of the said *Robert Brown*.

Retiring Allowance to Mr. *Robert Brown*.

VIII. From and after the Commencement of this Act, *Edward William Smith*, heretofore the Chief Clerk in the Office of the Lord Chancellor's Secretary of Bankrupts, shall be the Chief Clerk in the Office of the Chief Registrar of the Court of Bankruptcy, and shall continue to receive his present Salary of Five hundred Pounds *per Annum* so long as he shall hold such Office of Chief Clerk; and on his Resignation, Removal, or Death, and on the Resignation, Removal, or Death of any of his Successors, it shall be lawful for the Lord Chancellor to appoint a fit and proper Person to supply such Vacancy; and every such future Chief Clerk shall receive the net yearly Salary of Three hundred Pounds, which shall be charged upon the Monies and Securities standing to the Credit of the Account intituled "The Chief Registrar's Account," and shall be payable and paid at such Times, and in like Manner as the Salaries of the Registrars of the Court of Bankruptcy are now paid.

Appointment of Chief Clerk in the Office of the Chief Registrar.

IX. All Acts, Matters, and Things which, since the Death of the late Chief Registrar of the Court of Bankruptcy, have been done and performed in the Office of the Chief Registrar of the said Court, or which, though actually done and performed by some other Officer or Person, ought to have been done and performed by the Chief Registrar, shall be as valid and effectual as if there had been a Chief Registrar of the said Court, and as if such Acts, Matters, and Things had been done and performed by him or under his Authority.

All Acts done since Death of late Chief Registrar made valid.

X. The Registrar now in attendance upon the Lords Justices of the Court of Appeal sitting in Bankruptcy shall continue to attend their Lordships on the Hearing of such Appeals; and all Appeals to the said Lords Justices, and all Affidavits and Documents to be used on the Hearing of any such Appeal, shall be entered in the Office of such Registrar.

Present Registrar to continue.

XI. From and after the Commencement of this Act, the Office of Clerk of Inrolments in the Court of Bankruptcy shall be abolished; and the Duties of the said Office, and the Clerk at present employed therein, and all Records, Proceedings, Books, Papers, and Documents in the Office of the said Clerk of Inrolments shall be transferred to the Office of the Chief Registrar in

Office of Clerk of Inrolments abolished, and Duties transferred to Office of Chief Registrar.

*Basinghall*

Compensation  
to Clerk of  
Inrolments.

*Basinghall Street*, such Records, Proceedings, Books, Papers, and Documents to be there kept as Records of the Court, all Persons being at liberty to search for any of the Matters so kept of Record.

XII. The present Clerk of Inrolments in the Court of Bankruptcy shall be entitled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury within Six Months after the passing of this Act; and it shall be lawful for the said Commissioners, in such Manner as they shall think fit, to inquire what was the Nature of the said Office, and what was the Tenure thereof, and what were the lawful Salary and Emoluments in respect of which such Compensation should be allowed; and the said Commissioners shall award such Compensation, if any, as they shall think just, and such Compensation shall be charged upon the Monies and Securities standing to the Credit of the Account entitled "The Chief Registrar's Account," and shall be payable and paid at such Times as the Lord Chancellor shall by any Order or Orders from Time to Time direct.

Interpretation  
of Terms.

XIII. In the Construction of this Act the Expression "Lord Chancellor" shall mean and include the Lord High Chancellor of *Great Britain*, and the Lord Keeper or Lords Commissioners of the Great Seal of the United Kingdom for the Time being.

Commencement  
of Act.

XIV. This Act shall commence from and after the First Day of *June* One thousand eight hundred and fifty-two.

### C A P. LXXVIII.

An Act to enable the Commissioners of Her Majesty's Works and Public Buildings to complete Improvements in *Pimlico* and in the Neighbourhood of *Buckingham Palace*.  
[30th *June* 1852.]

WHEREAS certain Houses and Hereditaments situated in *Pimlico* in the City of *Westminster* and County of *Middlesex* were some Time since purchased with Monies produced by the Sale of Portions of the Hereditary Land Revenues of the Crown, and conveyed to the Crown as Part of the Hereditary Revenues thereof, and such Purchases were made with a view to the Improvement of the great and increasing Thoroughfare near the Entrance into *Saint James's Park* at *Buckingham Gate*, and having reference not only to the Situation of *Buckingham Palace* but to public Convenience in connexion with the Access to the Houses of Parliament and Courts of Law along the *Bird Cage Walk* and *Great George Street*, and for the like Purpose the House No. 16, *James Street*, was also in like Manner purchased, and with a view to effectuate the aforesaid Objects a Portion of the Buildings so purchased, comprising the Houses Nos. 1 to 11 inclusive in *Stafford Row*, with some back Cottages and Stables adjoining, have already been pulled down: And whereas, in connexion with the aforesaid Improvements, and also for the Improvement of the Royal Mews belonging to *Buckingham Palace*, and the widening of the Streets adjoining thereto, there are certain Houses and Buildings in *King's Row* and *Arabella Row*, which are Part of the Hereditary Revenues of the Crown, and which it is desirable should be pulled down, and the Sites thereof appropriated for the Purposes aforesaid, and

‘ and there are certain other Houses and Hereditaments which it  
 ‘ is also desirable to purchase and pull down, and to appropriate  
 ‘ the Sites thereof or Part thereof for the Purposes aforesaid :  
 ‘ And whereas a Plan hath been prepared by the Commissioners  
 ‘ of Her Majesty’s Works and Public Buildings of the said Houses  
 ‘ and Hereditaments, on which Plan the Houses and Heredita-  
 ‘ ments so purchased as aforesaid are coloured Purple, and the  
 ‘ said Buildings and Premises in *King’s Row* and *Arabella Row*  
 ‘ are coloured Brown, and the Houses and Hereditaments which  
 ‘ it is desirable to purchase are coloured Red, and such Plan has  
 ‘ been signed in Duplicate by the First Commissioner of Her  
 ‘ Majesty’s Works and Public Buildings, and One of such Plans  
 ‘ has been deposited in the Office of such Commissioners, and the  
 ‘ other in the Office of Land Revenue Records and Inrolments :  
 ‘ And whereas, for the Purpose of carrying out the aforesaid Im-  
 ‘ provements, and for providing the necessary Funds to effectuate  
 ‘ the same, it is expedient that the Commissioners of Her Majesty’s  
 ‘ Works and Public Buildings should have such Powers as are  
 ‘ after set forth :’ Now therefore may it please Your Majesty that  
 it may be enacted ; and be it enacted by the Queen’s most Excel-  
 lent Majesty, by and with the Advice and Consent of the Lords  
 Spiritual and Temporal, and Commons, in this present Parliament  
 assembled, and by the Authority of the same, as follows :

I. It shall be lawful for the Commissioners of Her Majesty’s  
 Works and Public Buildings, herein-after styled “ the Commis-  
 sioners,” to sell or exchange such Portions of the said Heredita-  
 ments so purchased as aforesaid, or which may be purchased or  
 taken under the Provisions of this Act, and coloured Purple and  
 Red on the said Plan as aforesaid, as shall not in the Opinion of  
 the Commissioners be considered necessary for effectuating the  
 aforesaid Improvements or the Purposes of this Act, such Sales  
 and Exchanges being made on such Terms and Conditions in all  
 respects whatsoever as the Commissioners may think fit ; and any  
 Hereditaments taken in exchange shall be conveyed as after di-  
 rected with respect to Hereditaments to be purchased under the  
 Powers of this Act ; and the Monies to arise from any such Sale  
 or Exchange as aforesaid, and also the Monies which have arisen  
 from the Sale of the Materials of the Houses Nos. 2 to 11, both  
 inclusive, in *Stafford Row*, shall be applied for the Purposes of  
 this Act.

Commissioners  
 of Public  
 Works and  
 Buildings em-  
 powered to sell  
 or exchange  
 Hereditaments  
 deemed not  
 necessary.

II. It shall be lawful for the Commissioners, out of the Monies  
 at their Disposal under this Act, to purchase the Houses and  
 Buildings on or near the West Side of *Stafford Place*, and certain  
 other small Houses and Buildings at the East End of *William  
 Street* leading into *James Street* aforesaid, coloured Red on the  
 aforesaid Plan. or any of them, which they shall consider neces-  
 sary for the Purposes of this Act, and to cause the same to be  
 conveyed to Her Majesty, Her Heirs and Successors, as Part of  
 the Hereditary Land Revenues of Her Crown, but subject to the  
 Provisions of this Act.

Power to pur-  
 chase Property  
 near *Stafford  
 Place*.

III. It shall be lawful for the Commissioners to pull down any  
 of the Houses and Buildings shown on the said Plan, and coloured  
 Purple and Brown, and those coloured Red when purchased or  
 acquired, and the Sites whereof may be required for the Purposes  
 of

Power to pull  
 down certain  
 Houses and  
 Buildings.

of this Act, and to sell the Materials of the Buildings so pulled down, and apply the Monies to arise from such Sale, and also to receive by their Collector or other Officer in that Behalf appointed or to be appointed, and in the Name of Her Majesty, the Rents and Profits of the said Houses and Buildings until sold or pulled down, and to apply the same for the Purposes of this Act.

Power to form a new Road to communicate with the Victoria Road.

IV. It shall be lawful for the Commissioners to make and form a new Road or Street in continuation Westwards of *James Street* into the *Victoria Road*, and for that Purpose to appropriate such Parts of the Sites of the aforesaid Buildings so to be pulled down or already pulled down, or any other Lands, subject to the Provisions of this Act, and to lay out and appropriate, for the Purpose of widening and improving the adjoining Thoroughfares, and for the Improvement of *Buckingham Palace*, or the Gardens, Grounds, or Outbuildings belonging thereto, the Sites of certain other Portions of the aforesaid Buildings so pulled down or to be pulled down, and such Lands as aforesaid.

Power to improve the King's Road.

V. It shall be lawful for the Commissioners to appropriate any Part of the Site of the Houses coloured Brown on the said Plan to the widening and improving of the *King's Road* and *Arabella Row*, and to appropriate the Residue thereof to the Enlargement of the Royal Mews and the private Grounds of *Buckingham Palace*, and also to appropriate the Sites of the said Houses and Buildings at the East End of *William Street* coloured Red on the said Plan, or some Portions thereof, to the Purpose of improving and widening the Thoroughfare leading from *James Street* to *William Street*; and the Lands appropriated under this Act either to the Improvement of the said Palace or the Gardens or Grounds thereof, or to the Enlargement or Improvement of the Royal Mews, under the Powers of this Act, shall form Part of the said Palace, and be held therewith as Part thereof, and as Part of the Hereditary Land Revenues of the Crown.

Power to purchase Leasehold and other Interests.

VI. The Commissioners may, out of the Monies at their Disposal under this Act, purchase any Leasehold or other Interest now subsisting in any of the said Hereditaments so shown on the said Plan and coloured Purple as aforesaid, and cause the same to be surrendered or assigned to Her Majesty, Her Heirs and Successors, or to a Trustee for Her Majesty, Her Heirs and Successors, as Part of the Hereditary Land Revenues of the Crown, but subject to the Purposes of this Act.

Power to lease Hereditaments.

VII. The Commissioners shall have Power to lease or agree to lease any Part of the said Hereditaments so respectively coloured Purple and Red, or the Sites thereof or of any Part thereof, not wanted for the aforesaid Purposes, and not sold under the Powers of this Act, either for building or otherwise, in such Manner as the Commissioners may think proper, by which Leases the Rents shall be reserved to and the Covenants entered into with Her Majesty, Her Heirs, Successors, and Assigns; and such Leases shall be inrolled in the Office of Land Revenue Records and Inrolments, and the Counterparts of such Leases shall be delivered over to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues; and from and after such Inrolment and Delivery the said Hereditaments so leased shall be and remain under the Management and Control of the Commissioners of Her Majesty's

Majesty's Woods, Forests, and Land Revenues, as Part and Parcel of the Possessions and Land Revenues of the Crown.

VIII. All Monies payable to the Commissioners on any Sale or otherwise under the Provisions of this Act, including the Monies which have arisen from the Sale of such Materials as aforesaid, shall be paid to Her Majesty's Paymaster General or the Deputy Paymaster General for the Time being, or other Officer acting for the Paymaster General, whose Receipt unstamped shall be a sufficient Discharge for the same to the Persons paying the same; and such Monies so paid as aforesaid shall from Time to Time be by such Paymaster General paid over and applied as the Commissioners shall by any Order direct, and in the meantime shall be applied or invested in the Purchase of Exchequer Bills, if the Commissioners shall so direct.

Monies payable to the Commissioners of Works and Buildings to be paid over to the Paymaster General.

IX. It shall be lawful for the Commissioners, out of the Monies at their Disposal under this Act, to pay the Expenses already incurred in the aforesaid Improvements by forming and diverting Roads, and laying down or altering Sewers, Pipes, or Fences, or in anywise incidental to any such Works.

Commissioners to pay Expense already incurred.

X. All Acts hereby authorized to be done by the Commissioners of Her Majesty's Works and Public Buildings may be done by the First Commissioner of Her Majesty's Works and Public Buildings, or by any Two of such Commissioners.

The Chief Commissioner or any Two Commissioners may act.

XI. No Deed or other Instrument made or entered into by or with the Commissioners of Her Majesty's Works and Public Buildings for the Purposes of this Act shall be subject or liable to any Stamp Duty imposed by any Act now in force, or to be imposed by any future Act, unless the same be specially subjected thereto by such future Act.

Deeds not subject to Stamp Duty.

XII. No Sale, Purchase, Lease, or Exchange shall be made by the Commissioners under the Authority of this Act without the Consent of the Commissioners of Her Majesty's Treasury.

No Sales, &c. to be made without Consent of Treasury.

## C A P. LXXIX.

An Act to amend and further extend the Acts for the Inclosure, Exchange, and Improvement of Land.

[30th June 1852.]

WHEREAS Acts were passed in the Sessions of Parliament holden in the Eighth and Ninth Years of the Reign of Her Majesty, Chapter One hundred and eighteen, in the Ninth and Tenth Years of Her Majesty, Chapter Seventy, in the Tenth and Eleventh Years of Her Majesty, Chapter One hundred and eleven, in the Eleventh and Twelfth Years of Her Majesty, Chapter Ninety-nine, in the Twelfth and Thirteenth Years of Her Majesty, Chapter Eighty-three, and in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Fifty-three: And whereas it is expedient that the Provisions of the said Acts should be amended and further extended: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

8 & 9 Vict. c. 118.  
9 & 10 Vict. c. 70.  
10 & 11 Vict. c. 111.  
11 & 12 Vict. c. 99.  
12 & 13 Vict. c. 83.  
14 & 15 Vict. c. 53.

I. Notwith-



No Lands to be inclosed without the previous Authority of Parliament.

I. Notwithstanding the Provisions in the said firstly-recited Act, it shall not be lawful for the Inclosure Commissioners after the passing of this Act to give Notice of their Intention to proceed with the Inclosure of any Lands without the previous Direction of Parliament, and no Land shall be inclosed under the said recited Acts and this Act without the previous Authority of Parliament in each particular Case, as in the said firstly-recited Act provided with reference to Waste Land of any Manor on which the Tenants of such Manor have Rights of Common, and other Lands therein particularly mentioned.

Outfall Drains.

II. For the Purpose of obtaining or improving the Outfall of any Drain or Watercourse in Land to be inclosed, the Valuer acting in the Matter of such Inclosure shall be deemed to be the Person interested under the Provisions of the Act passed in the Session of Parliament holden in the Tenth and Eleventh Years of Her Majesty, Chapter Thirty-eight, in the Land to be inclosed; and it shall be lawful for such Valuer to direct by his Award by whom and in what Manner such Outfall shall be maintained and repaired; and it shall be lawful for such Valuer to set out and make and also to provide for the proper Repair, Cleansing, and Maintenance of Drains, Watercourses, Embankments, Tunnels, Bridges, and any other necessary Works in or over any Land other than the Land the Subject Matter of such Inclosure, notwithstanding such Land may not be in the Parish or respective Parishes in which the Land to be inclosed may be situate: Provided always, that the same Consent shall be required as if the said Land had been in the Parish or respective Parishes in which the Land to be inclosed is situate; provided also, that when such Inclosure is completed the Valuer shall cease to be deemed the Person interested as aforesaid.

Drains, &c. may be made in Lands out of the Parish in which the Lands to be inclosed are situate.

Remedy in case of Nonpayment of Expenses.

III. The Service of the Notice by the said first-recited Act required to be given by the Valuer, that the Proportion of Expenses payable by any Person is in arrear, and requiring Payment thereof, may be effected in such Manner as is therein directed, or by leaving the same with the Agent of the Person liable to pay such Proportion of Expenses, or at the usual Place of Abode of such Agent; and if the Proportion of Expenses so in arrear, together with lawful Interest and Two Shillings and Sixpence for the Costs of the Preparation and Service of such Notice as aforesaid, shall not be paid on the Expiration of Thirty Days after Service of such Notice, it shall be lawful for the Valuer to recover the same in such Manner as the Proportion of Expenses and Interest are by the said firstly-recited Act authorized to be raised, or, with the Approbation of the Commissioners, to sell the whole or such Part of the Allotment made to such Person so in arrear as shall be sufficient to defray such Expenses, Interest, and Costs, and the Expenses of making and completing such Sale.

Sale of Land directed to be inclosed.

IV. After the Determination of the Claims in the Matter of any Inclosure, and before the Valuer shall have divided and allotted the Lands to be inclosed, it shall be lawful for the Commissioners, upon the Application in Writing of Persons, the aggregate Amount of whose Interests in the Land proposed to be inclosed shall not be less in Value than Two Thirds of the whole Interest in such Land, and who shall not be less in Number than Two Thirds of

of the Persons whose Claims have been allowed by the Valuer, and also upon the Application in Writing of the other Persons (if any) whose Consents may be necessary under the Provisions of the herein-before firstly-recited Act, in case the said Commissioners shall be of opinion that the Sale of such Lands in whole or in part, but so nevertheless that the Land so proposed to be sold shall not exceed Fifty Acres, would be expedient, by an Order under their Seal, to authorize the Sale thereof in whole or in part, and thereupon all the Provisions of the said firstly-recited Act as to the Sale of Land for the Expenses of an Inclosure, the Conveyance thereof, and the Receipt of the Purchase Money shall be applicable to the Sale of such Land: Provided also, that before any such Sale shall be made, it shall be approved of by the Persons whose Claims have been allowed by the Valuer, at a Meeting convened by the Commissioners for the Purpose of considering the same, and the Majority present at such Meeting shall bind the Minority and all absent Parties.

Meeting to consent to Sale.

V. After the making of such Order as aforesaid, and of a Sale in pursuance of such Order, the Commissioners shall call a Meeting, in such Manner and with such Notice as to them shall seem fit, of all Persons whose Claims have been allowed by the Valuer, and at such Meeting the Majority in respect of Interest present at such Meeting shall determine, by Resolutions to be passed at such Meeting, how any Surplus of such Purchase Monies as may remain unappropriated after the Payment of all such Expenses as the Commissioners may certify as proper Expenses in the Matter of such Inclosure and in the Proceedings attendant thereon or incident thereto or to the Sale of such Lands shall be appropriated; and it shall be lawful for such Meeting, by Resolutions to be passed in the Manner aforesaid, to appropriate such Surplus of such Purchase Monies to the Endowment of Schools, the Construction or Maintenance of Bridges, Highways, Schoolhouses, Drains, Watercourses, or any other Works or Objects whatever of public Utility, and to provide in what Manner such Monies shall be expended, invested, or managed for the Purposes to which such Monies are so appropriated by such Resolutions.

Meeting of Persons interested to determine Appropriation of Surplus.

VI. Provided that no Resolutions passed at any such Meeting shall be of any Force or Effect until or unless the same shall be confirmed and allowed by the said Commissioners under their Seal.

Resolutions to be confirmed by Commissioners.

VII. If the said Commissioners shall vary or disallow any Resolutions so passed as aforesaid, they shall, as soon as conveniently may be, call a Second Meeting of Persons whose Claims have been allowed by the Valuer, which Second Meeting shall be attended by an Assistant Commissioner, who shall preside thereat; and at such Second Meeting the Resolutions passed at the First Meeting may, by a like Majority of the Persons present interested in respect of Value, be varied, altered, or rescinded, and other Resolutions may be passed for appropriating such Surplus Monies for the Purposes herein-before mentioned; provided that such Resolutions shall in like Manner be of no Force or Effect unless confirmed and allowed by the said Commissioners under their Seal.

Second Meeting may be held.

Appropriation  
of Surplus if  
Resolutions dis-  
allowed.

VIII. In case the said Commissioners shall disallow the Resolutions passed at such Second Meeting, or if at any Meeting so to be called as aforesaid no Resolutions to the Effect aforesaid shall be passed, then such Surplus of such Purchase Monies shall be expended from Time to Time in lieu or in aid of the Rate for the Maintenance or Repair of the Highways of the Parish or Parishes within which such Land liable to be inclosed is situate, and in case the said Lands shall be situate in more than One Parish then the Division of such Surplus Monies between the said Parishes shall be proportioned to the Quantity of the Land liable to be inclosed which is situate within each Parish.

Award to be  
made.

IX. After the Confirmation of such Resolutions as aforesaid the said Commissioners or an Assistant Commissioner shall frame an Award, in such Manner and with all such Formalities as are required by the said first-recited Act for a final Inclosure Award, and thereby, after reciting the Sums allowed by the said Commissioners, and paid for Expenses incurred in the Matter of the Inclosure, and in the Proceedings attendant thereon or incident thereto, or to the Sale of such Lands, or to the Improvement thereof for Purposes of Sale or otherwise, shall award and direct the Appropriation of the Surplus Monies, if any, in such Manner as to carry out the true Intent and Meaning of any Resolutions passed and confirmed as herein-before mentioned, or in default of any such confirmed Resolutions, then of the Appropriation of such Surplus in the Manner herein-before provided by this Act.

Award not to  
be impeached.

X. After the Confirmation of any Instrument purporting to be an Award made and confirmed under the Provisions of this Act, such Instrument shall be unimpeachable, and shall be in all respects valid and operative as an Award for all the Purposes aforesaid.

Sales how to be  
made.

XI. The whole of the said Expenses, Interest, and Costs, or so much and such Parts thereof as shall be unpaid, or shall not have been recovered under the Provisions of the said firstly-recited Act, in case the Valuer shall have proceeded for the Recovery thereof as therein authorized, may be raised by such Sales, which shall be made by the Valuer, with the Approbation of the said Commissioners, in the same Manner and subject to the same Regulations as are in the said firstly-recited Act prescribed in respect of the Sale of Part of the Land subject to be inclosed towards defraying the Expenses of the Inclosure; and every Part of an Allotment for which the full Purchase Money shall be paid shall be conveyed by the Commissioners, at the Expense of the Purchaser, as he shall appoint, and shall be inclosed, and held by such Purchaser in Severalty, and any such Conveyance may be to the Effect set forth in the Schedule to the said Act, and shall be Evidence of the Regularity of the Sale in pursuance of which such Conveyance shall be made: Provided always, that nothing herein contained shall enable the Commissioners to convey any Allotments set out as Copyhold or Customary as Freehold, but such Copyhold or Customary Allotments shall be held by the Purchaser thereof by, under, and subject to the same Rents, Suits, and Services as such Allotments would have been held in case no such Sale had been made.

**XII.** The Receipt of the Commissioners shall be a sufficient Discharge to the Purchaser for the said Purchase Money; and such Purchase Money shall be applied by the Commissioners in or towards defraying the Costs, Interest, and Expenses for raising which such Sale shall have been made, and the Surplus (if any) shall be paid to or for the Benefit of the Parties whose Allotments, or any Part thereof, shall have been sold; and the Shares of such of them as shall be Tenants in Fee Simple, free from Incumbrances, shall be paid to them respectively, and the Shares of the other Proprietors of such surplus Money shall be applied and disposed of in such and the same Manner as the Surplus of any Monies arising from the Sale of Part of an Allotment for raising Money for Expenses is by the said firstly-recited Act directed to be applied and disposed of.

Application of  
Purchase  
Money.

**XIII.** When any Person by whom any Encroachment or Inclosure, of whatever Value, which under the said firstly-recited Act shall be deemed to be Parcel of the Land subject to be inclosed, shall be actually occupied, shall neglect or refuse to quit and deliver up Possession of the same, or any Part thereof, to the Valuer acting in the Matter of the Inclosure, within One Calendar Month next after the Determination of Claims under the said firstly-recited Act, the Possession thereof may be recovered by such Valuer, under the Provisions of the Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her Majesty, Chapter Seventy-four, in such and the same Manner as if such Occupier of an Encroachment or Inclosure were the Tenant of a House, Land, or Corporeal Hereditament the Possession of which is recoverable under such last-mentioned Act, whose Term or Interest had ended, and the Valuer were the Landlord of the said Premises: Provided always, that the Form of Notice of Valuer's Intention to apply to Justices to recover Possession, "Complaint before Two Justices," and "Warrant to Peace Officer to take and give Possession," set forth in the Schedule to this Act, shall be substituted for the Forms set forth in the Schedule to the said last-mentioned Act; and all Costs and Expenses incurred by the Valuer in the Recovery of the Possession of Encroachments or Inclosures, or incident thereto or arising therefrom, shall be deemed Expenses in the Matter of such Inclosure.

Obtaining Pos-  
session of En-  
croachments.

Expenses.

**XIV.** Notwithstanding the Provisions in the said firstly-recited Act with reference to the fencing of Allotments for Exercise and Recreation, and of Town Greens and Village Greens allotted for such Purposes, it shall be lawful for the Commissioners, by an Order under their Seal, in such Cases as they shall see fit, to direct that such Allotments, Town Greens, and Village Greens respectively shall be distinguished by Metes and Bounds, but not fenced.

Village Greens  
and Allotments  
for Exercise and  
Recreation shall  
not be fenced in  
certain Cases.

**XV.** The Valuer in the Matter of any Inclosure shall, within One Calendar Month next after the Division of the Land to be inclosed and staking out of the Allotments, send to the Office of the Commissioners his Report, with such a Map thereunto annexed as is required by the said firstly-recited Act, unless such Time be extended by the Commissioners by an Order under their Seal; and it shall not be lawful for the Valuer to direct the Allotments to be entered upon by the Persons for whom the same shall be

Report to be  
sent to Commis-  
sioners in One  
Month from  
staking out  
Allotments.

intended until he shall be authorized so to do by an Order under the Seal of the Commissioners.

As to the Allotment of Fruit Trees.

XVI. Fruit Trees standing and growing upon any Land to be inclosed shall not be dealt with as Timber Trees and other Trees are by the said firstly-recited Act directed to be dealt with, but shall be allotted and go along with the Land whereon they respectively stand, and shall be deemed the Property of the several Persons to whom the same Land shall be respectively allotted; and in estimating the Value of such Allotments the Valuer shall make such Allowance for the increased Value of the Land by reason of the Fruit Trees standing and growing thereon as he shall deem just and reasonable.

Deposit of Orders of Exchange and Partition in certain Cases.

XVII. In any Case of Division of intermixed Land, Exchange, or Partition in which it shall appear to the Commissioners from the Number of Persons interested in the Subject Matter of the Division, Exchange, or Partition, or the Nature of their Interests, that the Direction in the said recited Acts that a Copy of the Order under the Seal of the Commissioners shall be delivered to each of the Parties upon whose Application such Order shall be made are inapplicable, it shall be lawful for them, instead of delivering a Copy of such Order to each of such Parties, to direct by an Order under their Seal that Copies shall be deposited in such and the same Manner as Copies of an Award in the Matter of an Inclosure under the said Acts are directed to be deposited, and thereupon all the Provisions in the said firstly-recited Act relating to the Deposit, Custody, and Inspection of Copies of such Awards, and for the furnishing of Copies of and Extracts therefrom, shall be applicable to Copies of such Orders of Division, Exchange, and Partition respectively: Provided always, that the Commissioners shall, upon the Request and at the Cost of any Person upon whose Application such Order was made, furnish him with a Copy of the Order sealed with their Seal.

Commencement of Rentcharge out of Labouring Poor Allotments.

XVIII. Notwithstanding the Provisions of the firstly-recited Act, it shall be lawful for the Valuer, with the Approbation of the Commissioners, by his Award in the Matter of any Inclosure, to direct that the first half-yearly Payment of a Rentcharge payable out of an Allotment for the Labouring Poor shall be made on any First Day of *July* or First Day of *January*, not being less than Six Months nor more than Three Years from the Confirmation of such Award; and in default of such Direction the first half-yearly Payment of such Rentcharge shall be made as directed by the said firstly-recited Act.

Rentcharge may be sold towards Expenses.

XIX. It shall be lawful for the Valuer, in pursuance of Instructions duly given in that Behalf, to sell any Rentcharge payable out of Allotments for the Labouring Poor for the Purpose of raising all or any Part of the Expenses of the Inclosure; and such Rentcharge shall be sold and conveyed in such and the same Manner as if the same were Land sold under the said firstly-recited Act for Payment of the Expenses incident to an Inclosure.

8 & 9 Vict. c. 118. s. 54. need not be specially referred to in Claims.

XX. Upon the hearing of any Claim to a Right of Common or other Right in the Matter of an Inclosure, the Claimant shall have the full Benefit of the Provisions of the Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, Chapter Seventy-one,

one, and of the Fifty-fourth Section of the firstly-recited Act, without any special Reference being made thereto in such Claim.

XXI. Where any Allotment has been made in trust or otherwise under any Inclosure Award for any public or parochial Purpose, or for the Benefit of the Inhabitants or others within any Parish or Manor, and it shall appear to the said Commissioners to be no longer necessary, convenient, or suitable for the Purposes for which the same shall have been made, it shall be lawful for the Commissioners, upon the Application in Writing of the Churchwardens and Overseers of the Poor of the Parish in which such Allotment is situated, or the Trustees for the Time being of such Allotment, and of the Person interested in any Land or other Subject Matter of Exchange under the said recited Acts or either of them which he may be willing to give in Exchange for such Allotment, in case they shall be of opinion that such Exchange would be mutually beneficial, to cause to be framed, and to confirm, an Order of Exchange of such Allotment for such other Land or other Subject Matter of an Exchange as aforesaid, and all the Provisions of the said recited Acts applicable to Exchanges shall extend and be applicable to any such Applications for Exchange: Provided always, that it shall be lawful thereby to declare any new Trusts, if the same shall have been approved of by a Majority of the Persons for whose Benefit such Allotment as aforesaid was set out present at a Meeting convened by the Commissioners for the Purpose of considering the same.

Allotments set out under Local Acts may be exchanged.

XXII. Where any Money shall have been or may hereafter be paid to a Committee under "The Lands Clauses Consolidation Act, 1845," or under any Railway or other special Act by which Money may have been directed or authorized to be paid to a Committee, as Compensation for the Extinction of Commonable or other Rights, or for Lands being Common Lands or in the Nature thereof, the Right to the Soil of which may have belonged to the Commoners, and such Committee shall be of opinion that the Provisions of such Act for the Apportionment thereof cannot be satisfactorily carried into effect, such Committee may make Application in Writing to the Commissioners to call a Meeting of the Persons interested in such Compensation Money for the Appointment of Trustees of such Compensation Money and for the Investment thereof, and for the Application of the Interest and annual Produce thereof to such Purposes for the Benefit of the Persons interested therein as the Commissioners shall approve; and if the said Commissioners shall think fit to proceed with such Application they shall call a Meeting accordingly, and the Decision of the Majority in Number and the Majority in respect of Interest of the Persons present at such Meeting shall bind the Minority and all absent Parties: Provided always, that if no Instructions shall be resolved upon, or in case the Commissioners shall deem such Instructions unjust or unreasonable, they may, by an Order under their Seal, give such Instructions for the Investment of such Compensation Money and for the Application of the Income thereof as they shall think fit; and such Order under the Seal of the Commissioners, or the Order approving of such Instructions as aforesaid, shall contain Provisions for the Appointment of new Trustees from Time to Time, and Copies of such Order shall be

Application of Compensation for Common Rights paid under the Lands Clauses Consolidation Act, 1845.

deposited and kept in like Manner as Copies of an Award are by the firstly herein-before recited Act directed to be deposited and kept, and the said Committee shall be absolutely discharged from all Liability in respect of such Compensation Money upon Payment thereof to the said Trustees, who shall, out of such Money, in the first place pay and discharge all Expenses which may be incurred by the said Commissioners in respect of or in any way incident to such Application and Order, and apply or invest the Surplus thereof in such Manner as shall by such Order be authorized or directed.

In Cases of  
Boundary Ap-  
peal, Commis-  
sioners may  
order Produc-  
tion of Maps,  
&c.  
Costs of Appeal.

**XXIII.** The said Commissioners, or any Assistant Commissioner specially appointed by them, in Cases of Appeal to a Jury on Questions of Boundary, may, if they or he shall see fit, order the Production of any Terriers, Maps, Plans, and Surveys, or Copies thereof, touching the Matter in question; and all Costs, Charges, and Expenses properly incurred by the said Commissioners and Assistant Commissioner, or by the Valuer, or any other Person or Persons, in supporting the Award and Decision of the said Commissioners or of the Assistant Commissioner, and incidental thereto, including the Costs, Charges, and Expenses of producing, and of the making or procuring and producing Office or other Copies or Extracts of Maps, Surveys, or other Documents, shall be included in the Costs of such Appeal, and be payable and recoverable in like Manner as if the same were Expenses of Witnesses under the firstly herein-before recited Act.

Extending Pro-  
visions of firstly-  
recited Act as to  
Bond in Cases  
of Boundary  
Appeal.

**XXIV.** The Provisions of the said firstly-recited Act, whereby a Bond with Two sufficient Sureties is directed to be entered into by any Person requiring a Jury to be summoned to try any Question relating to Boundaries for Payment of the Costs and Expenses therein mentioned, shall extend to and include all Costs, Charges, and Expenses which may be properly incurred by the said Commissioners and Assistant Commissioner, or by the Valuer, or any other Person or Persons in supporting the Award and Decision of the said Commissioners or of the Assistant Commissioner, and incidental thereto, in case such Decision and Award shall be confirmed by the Jury summoned to try the same under the said Act.

Power to re-  
cover Costs in  
Cases of feigned  
Issue.

**XXV.** Where any Determination of the Commissioners or Assistant Commissioner shall be removed by Writ of Certiorari under the Provisions of the said firstly-recited Act into Her Majesty's Court of Queen's Bench, and the same shall be confirmed, such Court may make such Rules and Orders therein as to the Costs, Charges, and Expenses incurred therein, or in any feigned Issues thereon, by the Commissioners, or by the Person or Persons supporting the same, as may appear just and reasonable, notwithstanding the same may exceed the Amount of the Recognizance required by the said Act to be entered into, and the like Execution may be had for the same, as if such Costs had been recovered upon a Judgment of Record of the said Court.

Costs incurred  
by Commission-  
ers to be deemed  
Part of Inclo-  
sure Expenses  
in certain Cases.

**XXVI.** In every Case of such Removal by Certiorari of the Determination of the Commissioners or Assistant Commissioner, and in every Case of feigned Issue to which the said Commissioners or Assistant Commissioner shall be a Party, the Costs, Charges, and Expenses incurred by them or him in supporting the Deter-

mination

mination or Award in dispute, as well as the Amount of any Costs paid by them or him to any other Party or Parties pursuant to the Decision of the said Court, shall be deemed to be Part of the Expenses of the Inclosure to which such Determination or Award shall relate, and shall be paid by such Parties and in such Proportions as the said Commissioners or Assistant Commissioner shall direct, subject nevertheless to the Provisions herein-before contained.

XXVII. 'And whereas it is doubtful whether any or what Fee is payable to the Clerk of the Peace upon the Deposit with him of a Copy of an Inclosure Award under the Provisions of the said firstly-recited Act:' Be it enacted, That the Fee upon such Deposit shall be the Sum of Ten Shillings and no more.

Fee to Clerk of the Peace upon the Deposit of Copy of Inclosure Award.

XXVIII. 'And whereas by the said fifthly-recited Act Power is given to the Valuer in the Matter of any Inclosure to declare by his Award how much and which Part of any of the Lands to be allotted and divided or dealt with by such Award, or of any Roads passing over or through the same or any Part thereof, shall be and be deemed to be situate in any Parish or Parishes in which any of the Land so to be divided, allotted, or dealt with shall be situated:' Be it enacted, That the Words "Parish" or "Parishes" herein-before recited shall include and also be intended to mean District or Districts having a separate Surveyor or Surveyors of the Highways.

The Word "Parish" to include District having separate Surveyor of Highways.

XXIX. In case of any fraudulent or other Error or Omission in any Award or Order confirmed by the Commissioners, the said Commissioners may, by an Order under their Hands and Seal, by Indorsement or otherwise, correct such Error or supply such Omission, and such Order shall be ingrossed, and, where not indorsed as aforesaid, be deposited with the original Award or Order, and shall thenceforth be and be deemed to be Part thereof to all Intents and Purposes; and all the Expenses incident thereto shall be paid by the Party (if any) who shall have requested the Commissioners to make and execute the same, or by his Executors or Administrators.

Confirmed Awards and Orders may be corrected.

XXX. The Commissioners may, if they shall think fit, direct the Valuer to annex to his Award, in substitution for the Map referred to by his Report, a Copy thereof, of which the Accuracy shall be certified under their Seal.

Copy of Map may be annexed to the Award.

XXXI. Any Person interested in any Land or other Subject Matter of Partition in undivided Shares held under separate Titles, or for distinct and separate Interests, or subject to separate Charges or Incumbrances, may effect a Partition of the same in such and the same Manner as if different Persons had been interested therein.

Land held under separate Titles, &c. by the same Person may be partitioned.

XXXII. Where any Person or Persons interested in any undivided Parts or Shares of any Land or other Subject Matter of Partition, within the Meaning and Intent of the said recited Acts, or any of them, and also interested in the Entirety of any Land or other Subject Matter of Exchange within the Meaning and Intent of the said recited Acts or any of them, shall be desirous at One and the same Time of effecting a Partition and Exchange thereof, it shall be lawful for such Persons so desirous of effecting such Partition and Exchange to agree between themselves to effect the

Power to effect Partitions and Exchanges where Parties interested in Land, Subject Matter of Partition, and also in the Entirety of any Land.



Partition and Exchange, in such a Manner and in such Proportions as they shall think fit, so that the Land to be allotted to such Person or Persons in Severalty, by means of such Partition, together with the Land to be taken in Exchange by such Person or Persons, shall be a fair equivalent in Value for the Land so to be allotted in Severalty to and the Land to be taken in Exchange by the other Person or Persons; and the Commissioners may, upon the Application in Writing of the Persons so interested, direct Inquiries whether such Arrangement would be beneficial to the Owners of such Lands and such undivided Parts or Shares respectively, and in case they shall be of opinion that such Arrangement would be beneficial, and that the Terms thereof are just and reasonable, they shall, unless Notice of Dissent be given in the Manner provided by the said several recited Acts, cause to be framed and confirmed an Order of Partition and Exchange, with a Map or Plan thereunto annexed, in which Order shall be specified and shown the Lands allotted and awarded to each Party under the said Arrangement; before making such Order of Partition and Exchange, the Commissioners shall ascertain, and shall in such Order specify, what Portions of the Lands so to be awarded and allotted to each or any Party is equivalent in Value to the undivided Part or Share of such Party in the Lands partitioned, and the said Portions so ascertained and specified shall be taken and deemed to be so awarded and allotted under the Partition; and the said Commissioners shall also ascertain, and shall in such Order specify, what Portion of the Lands so to be awarded and allotted to each or any Party is equivalent in Value to the Land given in Exchange by such Party, and such Portion so ascertained and specified shall be deemed to be so awarded and allotted by way of Exchange; and the Land awarded and allotted by such Order to each Party shall be held in the following Manner, *viz.*, so much thereof as by the said Order shall be awarded and allotted under the Partition shall be and enure to, for, and upon the same Uses, Trusts, Intents, and Purposes, and subject to the same Conditions, Charges, and Incumbrances, as the undivided Part or Share of the Party would have stood limited or been subject to in case the said Order had not been made, and so much of the said Land as by the said Order shall be awarded and allotted by way of Exchange shall be and enure to, for, and upon the same Uses, Trusts, Intents, and Purposes, and subject to the same Conditions, Charges, and Incumbrances, as the Land given in Exchange would have stood limited or been subject to in case such Order had not been made.

Penalty where  
Stock found on  
regulated Pastures.

XXXIII. Any Person having any Stock or Animals on any regulated Pasture contrary to the Regulations of such Pasture, on being convicted thereof before Two Justices of the Peace having Jurisdiction in the County or Place shall forfeit and pay for and in respect of each Head of Stock or Animal found in such regulated Pasture such Sum of Money, not exceeding Five Pounds, as such Justices shall think proper to inflict, by way of Penalty, and such Sum shall be paid to the Field Reeve, to be applied by him in aid of the Rates by the firstly herein-before recited Act authorized to be raised on the Owners of Stints in regulated Pastures; and the Provisions of the Act of the Seventh and Eighth Years of King George the Fourth, intituled *An Act for consolidating and amend-*

ing

*ing the Laws in England relative to malicious Injuries to Property,* concerning the Prosecution of Offenders punishable on Summary Conviction under such Act, and the Form of such Conviction, and concerning the Cases of a Summary Conviction under such Act, where the Sum which shall be forfeited for the Amount of Injury done shall not be paid, and all other Provisions of such Act consequent upon or in relation to such Proceedings and Conviction, shall be applicable to the Offences under this Act, and the Prosecution and Conviction for the same respectively, save that any Matter by the said Act directed to be done by the Justices shall be done by Two Justices as aforesaid: Provided always, that no Remedy which any Field Reeve might otherwise have under the firstly herein-before recited Act, or otherwise, shall be in any Manner prejudiced or affected by the Provision last herein-before contained.

XXXIV. In citing this Act, the said recited Acts, and the Acts passed in pursuance of the Annual or any Special Reports of the Commissioners, or any or either of them, in other Acts of Parliament, in Conveyances, Documents, and legal Instruments, it shall be sufficient to use the Expression, "The Acts for the Inclosure, Exchange, and Improvement of Land."

XXXV. This Act shall be taken to be a Part of the said recited Acts, and be construed therewith.

Short Title.

This Act to be deemed Part of recited Acts.

### SCHEDULE to which this Act refers.

#### FORM No. 1.

NOTICE of Valuer's Intention to apply to Justices to recover Possession where there are Buildings, Fences, or Erections.

I of in the County of the Valuer acting in the Matter of the Inclosure of situate in the of in the County of hereby give you Notice, that the Encroachment [*or Inclosure, as the Case may be,*] from the said Lands to be inclosed [*shortly describing it*] situate now in your Possession, is, with the Residue of the said Lands, about to be divided, allotted, and inclosed, and that you are at liberty, within Two-Calendar Months from the Service of this Notice, to take down and remove all Buildings, Fences, and other Erections now standing on the said Encroachment [*or Inclosure*], and to convert the Materials thereof to your own Use.

And I further give you Notice, that, unless peaceable Possession of the said Premises be given to me on or before the Expiration of Two Calendar Months from the Service of this Notice, I shall on the Day of

next at of the Clock of the same Day at apply to Her Majesty's Justices of the Peace acting for the District of [*being the District, Division, or Place in which the said Premises or any Part thereof is situate,*] in Petty Sessions assembled, to issue their Warrant directing the Constables of the said District to enter and take Possession of the said Premises, and to eject any Person therefrom.

Dated this

Day of

(Signed)

Valuer.

To



## FORM No. 4.

## WARRANT TO PEACE OFFICERS TO TAKE AND GIVE POSSESSION.

WHEREAS [*set forth the Complaint*] : We, Two of Her Majesty's Justices of the Peace in Petty Sessions assembled, acting for the  
of do authorize and command  
you on any Day within Days from the Date hereof  
[*except on Sunday, Christmas Day, and Good Friday, to be added, if necessary,*] between the Hours of Nine in the Forenoon and Four in the Afternoon to enter (by Force, if needful,) and with or without the Aid of the Valuer, or any other Person or Persons whom you may think requisite to call to your Assistance into and upon the said Encroachment or Inclosure, and to eject thereout any Person, and of the said Encroachment or Inclosure full and peaceable Possession to deliver to the said  
[*the Valuer*].

Given under our Hands and Seals, this

Day of

To and all other  
Constables and Peace Officers  
acting for the  
District of

## C A P. LXXX.

An Act to abolish the Office of Master in Ordinary of the High Court of Chancery, and to make Provision for the more speedy and efficient Despatch of Business in the said Court. [30th June 1852.]

WHEREAS Proceedings before the Masters in Ordinary of the High Court of Chancery are attended with great Delay and Expense, and it is expedient that the Business now disposed of in the Office of such Masters should be transacted by and under the more immediate Direction and Control of the Judges of the said Court: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I. The Office of Master in Ordinary of the High Court of Chancery shall be and the same is hereby abolished, but reserving and subject to the Execution by the present Masters in Ordinary of the said Court, as such, of the Duties herein-after provided for; and until they are released under this Act they shall, for the Performance of such Duties, continue to have all the Powers conferred upon them by any Act of Parliament, or otherwise vested in them.

II. No Vacancy which has already occurred or may hereafter occur in the Office of Master in Ordinary of the said Court shall be filled up, nor shall any future Accountant General be made or become One of the Masters in Ordinary.

III. On the First Day of *Michaelmas* Term One thousand eight hundred and fifty-two *James William Farrer* Esquire and *William Brougham* Esquire, Two of the Masters in Ordinary of the said Court, shall be released from their Duties as such Masters; and as often

Office of Masters in Ordinary in Chancery abolished.

Vacancies in Office of Masters not to be filled up.

Two of the Masters in Ordinary released from their Duties on First Day of

**Michaelmas Term, 1852, &c.**

**Proviso as to certain Matters depending before the said Masters.**

**Option to Masters to retire according to Seniority, &c.**

**Power to Lord Chancellor to release remaining Masters.**

**Masters Salaries and Compensation Allowance continued by way of Retiring Pensions, &c.**

**Retiring Pensions, &c. to be paid in the same Manner as present Salaries.**

**Power to Masters to summon Parties, &c., and to settle and wind up Proceedings before them.**

often thereafter as, in the Judgment of the Lord Chancellor, from the State of Business in the said Court, any other Master or Masters can be spared, it shall be lawful for the Lord Chancellor to release any such Master or Masters at such Time or Times as to him shall seem meet: Provided always, that nothing in this Act contained shall extend to release, or to authorize the Lord Chancellor to release, any of the Masters from Attendance upon the House of Lords without the Order of the House: Provided also, that if, from the Nature of any particular Matter or Matters depending before either of the said Masters herein-before respectively named, it shall in the Opinion of the Lord Chancellor be desirable that such Matter or Matters should be worked out by or before the same Master before whom the same shall be depending, it shall be lawful for the Lord Chancellor to direct such Master to continue the Prosecution of such Matter or Matters, and such Master shall prosecute the same accordingly, in the same Manner and with the same Powers in every respect as if he had not been released from his Duties under this Act.

IV. Every Master to be released by the Lord Chancellor shall have the Option to retire tendered to him according to his Seniority in Office; and if any such Master shall, for One Calendar Month after such Option tendered to him, neglect or decline to avail himself thereof, then the Lord Chancellor may tender the like Option to the next in succession in Seniority in Office, and so *toties quoties*; but when the Lord Chancellor shall be of opinion that the Services of none of the Masters are any longer necessary for the due Execution of the Business of the said Court, it shall be lawful for him to release every remaining Master.

V. Each One of the Masters to be so released on the First Day of *Michaelmas Term* One thousand eight hundred and fifty-two shall nevertheless continue entitled to receive during his Life, by way of Retiring Pension, the full Amount of his Salary as such Master, including the Amount of the Compensation Allowance payable to him as such Master; and every Master who may be so released subsequently to the same First Day of *Michaelmas Term* One thousand eight hundred and fifty-two shall also continue entitled to receive by way of Retiring Pension the full Amount of his Salary as such Master.

VI. The Salaries or Retiring Pensions and Compensation Allowances payable to the Masters so to be released shall continue or be payable out of the same Funds, on the Days, and in the same Manner in all respects, as their present Salaries and Compensation Allowances respectively.

VII. In order as expeditiously as may be to wind up all the Causes, Matters, and Things which may from Time to Time be depending before or have been referred to the Masters in Ordinary of the said Court, it shall be lawful for every Master, at any Time after the passing of this Act, to summon as he shall deem fit all or any of the Parties to any Cause, Matter, or Thing so depending, or their Solicitors, and thereupon to proceed with such Cause, Matter, or Thing, and give such Directions and make such Order as he may think necessary for the Purpose of settling and winding up the same; but any such Order shall be subject to be discharged or varied by the Court upon Application made for that Purpose; and

and the Master shall be at liberty to proceed for the Purposes aforesaid in the Absence of any of the Parties or Solicitors neglecting or refusing to attend the Summons.

VIII. In case the Master shall be unable, by reason of the Conduct of Parties, or otherwise, to finally dispose of any Cause, Matter, or Thing, he shall be at liberty to dispose of any Part thereof within his Power, and to report or certify on the whole of the Case; and upon such Report or Certificate the Court shall make such Order as it shall think proper on all or any of the Parties, for the further Prosecution of the Suit or Matter, or for the final Disposal thereof, and for the Payment of the Costs thereof, including any of the Costs which may have been incurred by reason of the Conduct of the Parties.

IX. In the event of the Parties in any Cause, Matter, or Thing, or their Solicitors, refusing or neglecting, within a Time to be fixed by the Master, to bring the Master's Report or Certificate before the Court, the same may, by Direction of the Master, be brought before the Court by the Solicitor for the Time being to the Suitors Fund; and the Court is hereby empowered to order Payment of the Costs and Expenses of the Solicitor to the Suitors Fund out of such of the Funds in the Cause, Matter, or Thing, or by such Parties, as to the Court shall seem just; and in case Payment thereof cannot be obtained by any of the Means aforesaid, the same, by the Direction of the Court, may be paid out of the Suitors Fund.

X. From and after the First Day of *Michaelmas* Term One thousand eight hundred and fifty-two no Reference shall be made to any of the Masters in Ordinary of the said Court, except in Cases in which, from some previous Reference made in the Cause or Matter, or in some other Cause or Matter connected therewith, the Court may think it expedient to make such Reference, and except in Matters arising under the Joint Stock Companies Winding-up Acts, 1848 and 1849: Provided always, that until all the Masters in Ordinary of the said Court shall have been removed by Resignation, Death, or otherwise, or have been released from their Duties under this Act, such of the Masters in Ordinary of the said Court as shall for the Time being remain in Office, and shall not be released from their Duties under this Act, shall prosecute all the Business which on the First Day of *Michaelmas* Term One thousand eight hundred and fifty-two shall be depending before the Masters, and also all the References which before the said First Day of *Michaelmas* Term One thousand eight hundred and fifty-two shall have been made under Decrees or Orders of the Court, or which on or after the same First Day of *Michaelmas* Term shall be made in relation to such excepted Matters as aforesaid; and the same, if necessary, shall be distributed amongst such remaining Masters in such Manner as the Lord Chancellor shall direct; and the Powers and Authorities now vested in them are hereby reserved to them for the Purpose of executing and performing all the Duties, Matters, and Things which may be still referred to them, or which they may be lawfully called upon to perform.

XI. From and after the First Day of *Michaelmas* Term One thousand eight hundred and fifty-two it shall be lawful for the Master

Power to Court, upon Master's Report or Certificate, to make Order for Prosecution or final Disposal of any Suit, &c.

On Neglect of Parties to bring Master's Report before the Court, Solicitor to Suitors Fee Fund to do so.

No fresh References, except in Cases already before Masters, and in Matters under Winding-up Acts.

Until all the Masters are released from their Duties, those remaining shall prosecute Business depending.

Power now vested in Masters reserved to them for such Purposes.

Power to Master of the Rolls and Vice Chan-

cellors to sit at Chambers for the Despatch of Business, &c.

Lord Chancellor to provide Chambers for Master of the Rolls and Vice Chancellors.

Judges to have same Power and Jurisdiction as in open Court.

Orders made in Chambers to be ordinarily drawn up by Judges Clerks.

Orders so made to have same Force as Orders of Court, &c.

Judges to appoint Two Chief Clerks to each Court.

Chief Clerk to Judges to have been Chief Clerks to Masters in Ordinary, or Solicitors or Attornies of 10 Years Practice.

Master of the Rolls and the Vice Chancellors for the Time being and they are hereby required to sit at Chambers for the Despatch of such Part of the Business of the said Court as can, without Detriment to the Public Advantage arising from the Discussion of Questions in open Court, be heard in Chambers, according to the Directions herein-after in that Behalf specified or referred to; and the Times at and during which they respectively shall so sit shall be from Time to Time fixed by them respectively.

XII. The Chamber Business of the Master of the Rolls and of every Vice Chancellor shall be carried on in conjunction with his Court Business; but as no Rooms are attached to the Courts of the Vice Chancellors in which such Chamber Business can be transacted, it shall be lawful for the Lord Chancellor to cause Chambers to be provided for every of them respectively for that Purpose until Courts with proper Rooms attached can be provided for them.

XIII. The Master of the Rolls and every of the Vice Chancellors respectively when sitting in Chambers shall have the same Power and Jurisdiction in respect of the Business to be brought before them, as if they were respectively sitting in open Court.

XIV. The Orders made by the Master of the Rolls and Vice Chancellors respectively when sitting in Chambers shall ordinarily be drawn up there by their respective Clerks, to be appointed as herein-after mentioned, but with Power to each of such Judges to direct any of such Orders to be drawn up by the Registrar of the said Court in like Manner as Orders made by a Judge of the said Court in open Court are drawn up, for which Purpose the Registrars of the said Court shall, when required, attend the Master of the Rolls and the Vice Chancellors respectively when sitting at Chambers in such Order and Manner as shall be found most convenient for furthering the Business of the said Court, and as the Lord Chancellor, with the Concurrence of the Master of the Rolls and Vice Chancellors, or any Two of them, shall from Time to Time by any General Order direct.

XV. All Orders of the Master of the Rolls or of any Vice Chancellor, made by him at Chambers, shall have the Force and Effect of Orders of the Court of Chancery, and such Orders may be signed and enrolled in like Manner.

XVI. It shall be lawful for the Master of the Rolls, and every of the Vice Chancellors for the Time being, respectively, with the Approbation of the Lord Chancellor, to appoint Two Chief Clerks each to be respectively attached to each such Judge and his Successors in Office, for the Purpose of assisting in the general Business of each Court, and the Causes and Matters belonging thereto, and on any Vacancy in such Office of Chief Clerk to supply such Vacancy.

XVII. No Person shall be appointed Chief Clerk to the Master of the Rolls or any Vice Chancellor unless he shall have been Chief Clerk to One of the Masters in Ordinary of the said Court, or have been admitted on the Roll of Solicitors or Attornies in One of the Courts at *Westminster Hall*, and practised as such Solicitor or Attorney for the Period of Ten Years at least immediately preceding his Appointment: Provided always, that *George Whiting* and *Henry Leman*, the present Chief Clerks of the said Master

Masters hereby released as aforesaid, and *Charles Pugh*, Chief Clerk in the Office of the Master now vacant, shall on the said First Day of *Michaelmas* Term One thousand eight hundred and fifty-two become and they are hereby appointed Chief Clerks of Three of the said Equity Judges, and their respective Successors in Office.

XVIII. It shall be lawful for the Judge of each Court to appoint a Junior Clerk to each Chief Clerk of his Court, and on any Vacancy in such Office to supply such Vacancy.

XIX. If any Person who shall accept any Office under this Act shall engage in any other Employment whatever whilst he holds such Office, or shall receive any Sum of Money or Benefit other than his Salary and what may be allowed or directed to be taken by him under any Act of Parliament or Order of the said Court or of the Lord Chancellor, for any Act done or pretended to be done, or any Attendance given or pretended to be given, either with or without the Consent or Direction or pretended Consent or Direction of the Judge, in relation to or arising out of any Proceeding in his Office, or in any Office of or connected with the Court of Chancery, or if such Person, being or having been a Solicitor or Attorney, shall directly or indirectly receive or secure to himself any continuing Benefit from any Business or Firm in which he may have been engaged previously to his Appointment to such Office, the Person so offending may be removed from his Office by Order of the Lord Chancellor, and shall be rendered incapable of afterwards holding any Office, Situation, or Employment in the said Court.

XX. Every Solicitor or Attorney who shall be appointed to and shall accept any Office under this Act shall cease to be an Attorney or Solicitor, and shall forthwith procure himself to be struck off the Roll of Solicitors of the High Court of Chancery, and off the Roll of any of Her Majesty's Courts of Record at *Westminster* on which his Name may be.

XXI. Every such Chief Clerk shall hold his Office during his good Behaviour, and so long as he shall personally give his Attendance upon his Duties, and shall conduct himself honestly and faithfully in the Execution of the Duties of his Office, but subject to the Power herein-after contained to remove any Chief Clerk for any Cause which the Lord Chancellor and Judges removing may think sufficient.

XXII. Every such Junior Clerk shall hold his Office at the Pleasure of the Judge to whose Court he shall be attached.

XXIII. Such Chief Clerks and Junior Clerks shall be respectively under the Control of the Judge to whose Court they shall respectively be attached, and shall attend at such Places, during such Times, and for such Hours in each Day, and perform such Duties, as such Judge shall from Time to Time direct.

XXIV. Every Chief Clerk and every Junior Clerk to be appointed under this Act shall be subject and liable to such and the same Prohibitions, Prosecutions, Penalties, and Punishments, as are by an Act passed in the Session holden in the Third and Fourth Years of the Reign of King *William* the Fourth, Chapter Ninety-four, imposed and directed with respect to Persons holding any Office, Situation, or Employment in the said Court of Chancery,

Power to Judges to appoint Junior Clerks.

Power to Lord Chancellor to remove any Officer appointed under this Act engaging in other Employment or accepting any Fee or Emolument whatever other than his Salary.

Solicitors appointed to Office under this Act to be struck off the Rolls.

Chief Clerks to hold Office during good Behaviour;

and Clerks during Pleasure.

Clerks to be under Control of Judges;

and subject to Penalties, &c. imposed by 3 & 4 W. 4. c. 94. as respects Chancery Officers.



cery, or under any of the Judges or Officers thereof, in the same Manner as if the Enactments therein contained relating to such Officers of the said Court respectively were here repeated.

Lord Chancellor, with Consent of Judges, may remove Chief Clerks.

XXV. It shall be lawful for the Lord Chancellor, with the Concurrence of the Master of the Rolls and Vice Chancellors for the Time being, or any Two of them, by any Order to remove any Chief Clerk to be appointed under this Act from his Office, without stating any Cause for such Removal.

Business to be disposed of in Chambers by the Judges.

XXVI. The Business to be disposed of by the Master of the Rolls and Vice Chancellors respectively while sitting at Chambers shall consist of such of the following Matters as the Judge shall from Time to Time think may be more conveniently disposed of in Chambers than in open Court; *videlicet*, Applications for Time to plead, answer, or demur; for Leave to amend Bills or Claims; for enlarging Publication; and also Applications for the Production of Documents; Applications relating to the Conduct of Suits or Matters; Applications as to the Guardianship and Maintenance of Infants; Matters connected with the Management of Property; and such other Matters as each such Judge may from Time to Time see fit, or as may from Time to Time be directed by any General Order of the Lord Chancellor.

Judges may adjourn from open Court to Chambers, and vice versa.

XXVII. It shall be lawful for the Master of the Rolls and every of the Vice Chancellors respectively when sitting in open Court to adjourn for Consideration in Chambers any Matter which, in the Opinion of such Judge, may be more conveniently disposed of in Chambers, or, when sitting in Chambers, to direct any Matter to be heard in open Court which he may think ought to be so heard.

Proceeding before Judges at Chambers to be by Summons.

XXVIII. The Mode of proceeding before the Master of the Roll and Vice Chancellors respectively at Chambers shall be by Summons, and as near as may be according to the Form now adopted by the Judges of the Superior Courts of Common Law when sitting at Chambers.

Power to the Judges to direct what Matters, &c. shall be heard and investigated by themselves, and what by their Chief Clerks.

XXIX. From and after the First Day of *Michaelmas* Term One thousand eight hundred and fifty-two the Master of the Rolls and the Vice Chancellors respectively shall have the sole Power (subject to any Rules which may be made by the Lord Chancellor with the Advice and Assistance of them or any Two of them) to order what Matters and Things shall be investigated by and before their respective Chief Clerks, either with or without their Direction, during their Progress, and what Matters and Things shall be heard and investigated by themselves; and particularly, if the Judge shall so direct, his Chief Clerks respectively shall take Accounts, and make such Inquiries as have usually been prosecuted before the Chief Clerks of the present Masters; and the Judge shall give such Aid and Directions in every or any such Account or Inquiry as he may think proper, but subject nevertheless to the Right herein-after provided for the Suitor to bring any particular Point before the Judge himself.

Suitor may bring any Point before Judge. Chief Clerks may issue Advertisements and Summonses, administer Oaths, &c. as Judge shall direct.

XXX. Each Chief Clerk shall, for the Purpose of any Proceedings directed by the Master of the Rolls or any Vice Chancellor to be taken before him, have full Power to issue Advertisements, to summon Parties and Witnesses, to administer Oaths, to take Affidavits and Acknowledgments, other than Acknowledgments by

by married Women, to receive Affirmations, and, when so directed by the Judge to whose Court he is attached, to examine Parties and Witnesses either upon Interrogatories or *vidæ voce*, as such Judge shall direct.

**XXXI.** Parties and Witnesses so summoned shall be bound to attend in pursuance of any such Summons, and shall be liable to Process of Contempt, in like Manner as Parties or Witnesses are now liable thereto in case of Disobedience to any Order of the said Court, or in case of Default in Attendance, in pursuance of any Order of the said Court, or of any Writ of Subpœna ad testificandum; and all Persons swearing or affirming before any such Chief Clerk shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false swearing or affirming contained therein as if the Matters sworn or affirmed had been sworn and affirmed before any Person now by Law authorized to administer Oaths, to take Affidavits, and to receive Affirmations.

**XXXII.** The Directions to be given by the Master of the Rolls or any Vice Chancellor for or touching any Proceedings before his Chief Clerk shall require no particular Form, but the Result of such Proceedings shall be stated in the Shape of a short Certificate to the Judge, and shall not be embodied in a formal Report, unless in any Case the Judge shall see fit so to direct; and when the Judge shall approve of such Certificate or Report he shall sign the same in testimony of his adopting the same.

**XXXIII.** No Exceptions shall lie to any Certificate or Report of the Chief Clerk, although signed and adopted by the Judge; but any Party shall, either during the Proceedings before such Chief Clerk, or within such Time after such Proceedings shall have been concluded, and before the Certificate or Report shall have been signed and adopted, as the Lord Chancellor shall by any General Order direct, be at liberty to take the Opinion of the Judge upon any particular Point or Matter arising in the Course of the Proceedings, or upon the Result of the whole Proceeding when it is brought by the Chief Clerk to a Conclusion.

**XXXIV.** When any Certificate or Report of the Chief Clerk shall have been signed and adopted by the Judge the same shall be filed in like Manner as Reports are now filed, and shall thenceforth be binding on all the Parties to the Proceedings, unless discharged or varied, either at Chambers or in open Court, according to the Nature of the Case, upon Application by Summons or Motion within such Time as shall be prescribed in that Behalf by any General Order of the Lord Chancellor; and nothing herein contained shall prejudice or affect the Power of the Court at any Time to open any such Certificate or Report upon the same or the like Grounds as any Report of a Master of the said Court which has been absolutely confirmed may now be opened.

**XXXV.** From and after the First Day of *Michaelmas* Term One thousand eight hundred and fifty-two, the Thirteenth, Fourteenth, and Fifteenth Sections of the Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His Majesty King *William* the Fourth, Chapter Ninety-four, shall be repealed.

15 &amp; 16 VICT.

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XXXVI. From

Parties, &c. not attending liable to Process of Contempt and to Penalties for false swearing, &c.

Result of Proceedings before Chief Clerk to be embodied in Form of short Certificate, &c.

No Exceptions to lie to Certificate, &c. Parties may take Opinion of Judge on any particular Point.

Certificate, &c., signed and adopted by Judge, binding on all Parties, unless discharged or varied.

Sections 13, 14, and 15. of 3 & 4 W. 4. c. 94. repealed.

All Powers possessed by Masters to be exercised by Judges.

Power to Judges to exercise the Powers given by Sections 7, 8, and 9. of this Act, and to dispose of any Cause, &c. in open Court.

Power to Lord Chancellor, with Advice, &c. of Judges, to make Rules and Orders for regulating the Mode of Procedure at Chambers, Payment of Fees, &c.

Business in Masters' Offices to be conducted in the same Manner as similar Business is conducted by Judges, &c.

XXXVI. From and after the First Day of *Michaelmas* Term One thousand eight hundred and fifty-two all or any of the Powers, Authorities, and Jurisdiction given to the Masters in Ordinary of the said Court by any Act or Acts then in force may be exercised by the Master of the Rolls and Vice Chancellors respectively.

XXXVII. From and after the First Day of *Michaelmas* Term One thousand eight hundred and fifty-two the Powers given to the Masters in Ordinary of the said Court, and to the Court, by Sections Seven, Eight, and Nine of this Act, may be exercised by the Master of the Rolls and Vice Chancellors respectively with respect to Causes, Matters, and Things which may be depending before them respectively in Chambers; and if and when any such Judge shall be of opinion that any Cause, Matter, or Thing so depending ought to be finally disposed of, unless the Parties or some of them can show good Cause to the contrary, he shall direct the same to stand in his Paper in open Court, giving such Notice thereof, if any, as he shall deem right, and proceed to dispose thereof accordingly.

XXXVIII. It shall be lawful for the Lord Chancellor, with the Advice and Consent of the Master of the Rolls and Vice Chancellors, or any Two of them, and they are hereby required, forthwith to make and issue General Rules and Orders for regulating the Times and Form and Mode of Procedure before the Master of the Rolls and Vice Chancellors respectively, sitting at Chambers, and their respective Chief Clerks, and generally the Practice of the said Court in respect of the Matters to which this Act relates, and for regulating the Fees and Allowances to Solicitors of the said Court in respect to such Matters, and also for regulating the Fees to be payable by Suitors of the said Court to the Officers thereof in respect of the Business to be conducted before the Master of the Rolls and Vice Chancellors respectively sitting at Chambers, and their respective Chief Clerks; and such Rules and Regulations may from Time to Time be rescinded, altered, varied, or added to by the like Authority; and all such Rules and Regulations as aforesaid shall take effect as General Orders of the said Court: Provided always, that no greater Amount of Fees shall be payable by the Suitors of the said Court to the Officers thereof, in respect of the Business to be conducted before the Master of the Rolls and the Vice Chancellors respectively sitting at Chambers, and their respective Chief Clerks, than is now levied in respect of similar or analogous Business in the Masters Offices.

XXXIX. From and after the said First Day of *Michaelmas* Term One thousand eight hundred and fifty-two the Course of Practice and Proceeding in the Offices of the Masters in Ordinary of the said Court, so far as the same may be inconsistent with the Rules and Regulations to be so as aforesaid made by the Lord Chancellor with such Advice and Consent as aforesaid, shall be abolished; and the Masters in Ordinary of the said Court shall, with reference to the Proceedings before them, adopt all such Rules and Regulations, and shall conduct the Business of their respective Offices, as nearly as may be, in the Manner in which similar Business shall be conducted by the Master of the Rolls and Vice Chancellors respectively, save only that the Master, instead of communicating

communicating directly with the Judge, is to report shortly the Result of his Inquiries to the Court.

XL. From and after the First Day of *Michaelmas* Term One thousand eight hundred and fifty-two it shall be lawful for the Court or for any Judge thereof when sitting at Chambers to receive and act upon the Opinion of Conveyancing Counsel in actual Practice, to be nominated as herein-after mentioned, in all Cases in which, according to the present Practice of the Court and of the Master's Office, it has been usual for the Master to require or receive the Opinion of Conveyancing Counsel for his Aid and Assistance in the Investigation of the Title to an Estate, with a view to an Investment of Money in the Purchase or on Mortgage thereof, or with a view to a Sale thereof, or in the Settlement of a Draft of a Conveyance, Mortgage, Settlement, or other Instrument, or otherwise, and in such other Cases as the Lord Chancellor shall by any General Order direct; but it shall be competent for any Party to object to any Opinion of any such Counsel when he shall deem it open to Objection, and thereupon the Point in dispute shall be disposed of by the Court, or by the Judge sitting in Chambers, according to the Nature of the Case.

XLI. It shall be lawful for the Lord Chancellor to nominate any Number of Conveyancing Counsel in actual Practice, not less than Six, who shall have practised as such for Ten Years at least, to be the Conveyancing Counsel upon whose Opinion the Court, or any Judge thereof, may act in any of the Cases last before mentioned, and to supply Vacancies in such List from Time to Time, and to distribute the Business among such Counsel in such Order and Manner as to the Lord Chancellor shall seem fit.

XLII. It shall be lawful for the said Court, or any Judge thereof, in such Way as they may think fit, to obtain the Assistance of Accountants, Merchants, Engineers, Actuaries, or other scientific Persons, the better to enable such Court or Judge to determine any Matter at issue in any Cause or Proceeding, and to act upon the Certificate of such Persons.

XLIII. The Allowances in respect of Fees to such Conveyancing Counsel, Accountants, Merchants, Engineers, Actuaries, and other scientific Persons shall be regulated by the Taxing Master of the said Court, subject to an Appeal to the Judge to whose Court the Cause or Matter shall be attached, whose Decision shall be final.

XLIV. There shall be paid to every Chief Clerk of the Master of the Rolls and Vice Chancellors respectively the net yearly Salary of One thousand two hundred Pounds, and to every Junior Clerk to be appointed under this Act the net yearly Salary of Two hundred and fifty Pounds; and it shall be lawful for the Lord Chancellor from Time to Time by any Order to direct that the Salary of any such Chief Clerk as aforesaid may be increased from Time to Time until the same shall amount to the net yearly Sum of One thousand five hundred Pounds, and to direct that the Salary of such Junior Clerk may be increased to the net yearly Sum of Three hundred Pounds: Provided always, that no such Increase shall be made to any such Chief Clerk until he shall have been in Office for Three Years, nor to such Junior Clerk until he shall have been in Office Five Years, nor in either Case without a

Power to Judges at Chambers to take Opinion of Conveyancing Counsel in certain Matters.

Parties may object to such Opinion, which may be disposed of in Chambers or open Court.

Lord Chancellor may nominate not less than Six Conveyancing Counsel of Ten Years Practice.

Power to obtain the Assistance of Accountants, Merchants, &c.

Taxing Master to regulate Fees to Conveyancing Counsel, &c.

Salary of 1,200*l.* to be paid to each Chief Clerk, and 250*l.* to each Junior Clerk, with Power to Lord Chancellor to increase the same to 1,500*l.* and 300*l.* respectively.

Certificate from the Judge to whose Court such Chief Clerk or Junior Clerk shall be attached, that he has conducted himself in such Office to the entire Satisfaction of such Judge: Provided also, that the Salary to such Chief Clerk shall not be increased at any One Period by any greater Amount than the Sum of One hundred Pounds.

Pensions to  
Chief and Junior  
Clerks in Cases  
of permanent  
Infirmity.

XLV. It shall be lawful for the Lord Chancellor, with the Consent of the Commissioners of Her Majesty's Treasury, by any Order made on a Petition presented to him for that Purpose, to order (if he shall think fit) to be paid to any Person executing the Office of Chief Clerk or Junior Clerk to the Master of the Rolls or any of the Vice Chancellors, who shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, and shall be desirous of resigning the same, an Annuity not exceeding Two Third Parts of the yearly Salary which such Person shall be entitled to at the Time of presenting such Petition, to be paid and payable at the same Times and out of the same Funds as Compensations under this Act are directed to be paid.

On Retirement  
of Masters,  
their Chief  
Clerks to be  
entitled to Re-  
tiring Pensions  
of same Amount  
as Salary.

XLVI. It shall be lawful for every Person who on the First Day of *Hilary* Term One thousand eight hundred and fifty-two held the Office of Chief Clerk to any of the Masters in Ordinary of the said Court of Chancery, and who is not hereby appointed a Chief Clerk to the Master of the Rolls or to One of the Vice Chancellors under the Authority of this Act, upon the Master to whom he shall be such Chief Clerk being released from the Duties as such Master under the Authority of this Act, or upon the Death or Resignation of any such Master previously to his being so released, to continue to be entitled to receive during his Life, by way of Retiring Pension, the full Amount of his Salary as such Chief Clerk, such Salary to be paid and payable out of such Funds and in such Manner as herein-after in that Behalf directed.

Compensation  
to Junior Clerks  
on Retirement  
of Masters.

XLVII. It shall be lawful for any Person who on the said First Day of *Hilary* Term One thousand eight hundred and fifty-two held the Office of Junior Clerk to any Master in Ordinary of the said Court of Chancery hereby released, or who shall be released by the Lord Chancellor under the Authority of this Act, to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury for the Time being, at any Time after the Master in whose Office he shall have been employed shall have been released; and such Commissioners are hereby required, within the Space of Six Calendar Months after every such Claim shall be made, by Examination upon Oath or otherwise, which Oath they and every of them are and is hereby authorized to administer, to inquire whether any, and, if any, what Compensation ought to be made to such Person claiming such Compensation; and in all Cases in which it shall appear to the said Commissioners that Compensation ought to be granted, it shall be lawful for the said Commissioners, by Warrant under their Hands, to order and direct that such annual Compensation shall be made to the Persons claiming such Compensations as aforesaid, or any of them, as to the said Commissioners in their Discretion shall seem just and reasonable; and all such Compensations shall be paid and payable out of such Funds and in such Manner as herein-after in that Behalf directed: Provided always, that an Account of all such Compensation shall, within

within Fourteen Days next after the same shall be so granted, be laid on the Table of the House of Commons, if Parliament shall be then assembled, or if Parliament shall not be then assembled, then within Fourteen Days after the meeting of the Parliament then next following.

XLVIII. Except as herein otherwise provided, all Salaries under this Act shall grow due from Day to Day, but shall be payable, under an Order of the Lord Chancellor, on the Third Day of *February*, the Third Day of *May*, the Third Day of *August*, and the Third Day of *November* in every Year, or on such other Days as the Lord Chancellor shall from Time to Time by any Order direct, and shall be paid to the Parties entitled thereto, or their respective Executors or Administrators, out of the Fund standing in the Name of the Accountant General of the Court of Chancery, to the Account intituled "The Suitors' Fee Fund Account," but subject and without Prejudice to the Payment of all Salaries and other Sums of Money by any former Act or Acts now in force directed or authorized to be paid thereout.

Salaries, &c. to be paid quarterly out of the Suitors' Fee Fund Account.

XLIX. Except as herein otherwise provided, all Compensations under this Act shall grow due from Day to Day, but shall be payable on the Third Day of *February*, the Third Day of *May*, the Third Day of *August*, and the Third Day of *November* in every Year, or on such other Days as the Lord Chancellor shall from Time to Time by any Order direct, and shall be paid to the Parties entitled thereto, or their respective Executors or Administrators, out of the Interest and Dividends of the Government or Parliamentary Securities now or hereafter to be placed in the Name of the Accountant General of the Court of Chancery to the Two Accounts, intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," or either of them, by the Governor and Company of the Bank of *England*, by virtue of any Order or Orders of the Lord Chancellor to be made from Time to Time for that Purpose, without any Draft from the Accountant General, but subject and without Prejudice to the Payment of all Salaries and other Sums of Money by any former Act or Acts now in force directed or authorized to be paid thereout.

Payment of Compensations to be made quarterly out of Parliamentary Securities.

L. If at any Time hereafter any of the Masters in Ordinary of the said Court, or any of their Chief or Junior Clerks, shall be appointed to and shall accept any Office or Employment connected with any Court of Law or Equity, or under the Crown, or in any Public Department under the Crown, and if the Salary attached to such Office or Employment, or any Retiring Pension or Allowance in respect thereof, shall equal or exceed in Amount the Retiring Pension or Compensation payable to such Master or such Clerk under this Act, such last-mentioned Retiring Pension or Compensation shall, during the Continuance of such Master or such Clerk in such Office or Employment, or so long as he shall be in the Receipt of any Retiring Pension or Allowance in respect thereof equal to or greater than his Retiring Pension or Compensation under this Act, cease to be payable to such Master or

On Appointment of Masters or Clerks to Office or Employment under the Crown, the Retiring Pension or Compensation under this Act to be regulated by the Salary, &c. of such Office or Employment.

such Clerk, as the Case may be; and if the Salary attached to such Office, or the Retiring Pension or Allowance in respect thereof, shall be less than the Amount of such Master's Retiring Pension or such Clerk's Compensation under this Act, such Retiring Pension or Compensation under this Act shall be reduced by the Amount of such Salary or of such Retiring Pension or Allowance, as the Case may be.

Appropriation  
of the Masters'  
Offices in  
Southampton  
Buildings.

LL Such of the Masters' Offices in *Southampton Buildings, Chancery Lane*, as shall not be assigned by the Lord Chancellor as Chambers for the Master of the Rolls and Vice Chancellors respectively, or shall not be required for the Masters, shall be appropriated to any other Purposes connected with the Court of Chancery as the Lord Chancellor may from Time to Time direct, or the same may be let as Chambers, and the Rent thereof paid to the Suitors' Fund; and when all the Masters have resigned, died, or have been released under this Act, the Offices may be sold by Order of the Lord Chancellor, and the Proceeds of such Sale paid to the Suitors' Fund, in such Manner and to such particular Account as the Lord Chancellor shall by any Order direct; and it shall be lawful for the Lord Chancellor by any Order to direct that the Premises so to be sold, and the Fee Simple and Inheritance thereof, shall vest in the Purchaser or Purchasers of the same, his or their Heirs and Assigns, or as he or they shall direct; and such Order shall have the Effect of vesting the same accordingly, without any Conveyance or other Assurance from Her Majesty, in whom the same are now vested by virtue of an Act passed in the Thirty-second Year of the Reign of King *George the Third*, Chapter Forty-two.

Power to Her  
Majesty to ap-  
point a Vice  
Chancellor as  
Successor to Sir  
G. J. Turner.

LII. 'And whereas by an Act passed in the Fifth Year of the Reign of Her present Majesty, Session One, Chapter Five, Her Majesty was by Section Nineteen empowered to appoint, by Letters Patent under the Great Seal, Two fit Persons to be additional Judges Assistant to the Lord Chancellor in the Discharge of the judicial Functions of his Office, each of such additional Judges to be called Vice Chancellors; and by Section Twenty-one it was provided, that nothing therein contained should authorize the Appointment of a Successor to the Vice Chancellor secondly appointed under the Authority of the said Act: And whereas by an Act passed in the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, Chapter Four, Her Majesty was by Section One empowered to appoint, by Letters Patent under the Great Seal, a fit Person to be an additional Judge Assistant to the Lord Chancellor, in discharge of the judicial Functions of his Office, in the Place of the Right Honourable Sir *James Wigram* Knight, who was the Vice Chancellor secondly appointed under the Authority of the said Act of the Fifth Year of Her Majesty, and who had resigned the Office of Vice Chancellor to which he had been so appointed: And whereas the Right Honourable Sir *George James Turner* Knight is the Vice Chancellor appointed under the said last-mentioned Act: And whereas by Section Nine of the same Act it was provided, that nothing therein contained should authorize the Appointment of a Successor to the Vice Chancellor appointed under the Authority thereof: And whereas

by

‘ by virtue of this Act additional Duties will devolve upon the  
 ‘ Judges of the said Court, and it is expedient that any Vacancy  
 ‘ which may occur in the said Office of Vice Chancellor should  
 ‘ be supplied.’ Be it therefore enacted, That it shall be lawful  
 for Her Majesty, from Time to Time when and as any Vacancy  
 shall occur in the Office of Vice Chancellor now held by the said  
*Sir George James Turner*, by the Death, Resignation, or Removal  
 from Office of the said *Sir George James Turner*, or his Successor  
 for the Time being, it shall be lawful for Her Majesty, by Letters  
 Patent under the Great Seal of the United Kingdom, to appoint  
 a fit Person, being or having been a Barrister of Fifteen Years  
 Standing at the least, to supply such Vacancy.

LIII. The Vice Chancellor to be appointed under this Act  
 shall have all the same Powers and Privileges, and the same  
 Rank, and shall be subject to the same Provisions, Duties, and  
 Observances, as the said *Sir George James Turner* shall, at or  
 immediately before his Death, Resignation, or Removal from Office,  
 have or be subject to under the said Act of the Fourteenth and  
 Fifteenth Years of Her present Majesty, Chapter Four, and this  
 Act, or any other Act or Acts then in force, excepting that, as  
 between himself and the other Vice Chancellors or Vice Chancellor  
 for the Time being, he shall have Rank and Precedence next  
 after the Vice Chancellors or Vice Chancellor, if any, who may  
 be senior to him in Appointment to Office.

Such Vice  
 Chancellor to  
 have same  
 Power, &c. as  
*Sir G. J. Turner*  
 has.

LIV. Such Vice Chancellor shall have a Secretary, Usher, and  
 Trainbearer, to be from Time to Time appointed and removed by  
 him at his Pleasure; and the Secretaries, Registrars, and other  
 Officers appointed to attend the Lord Chancellor shall attend such  
 Vice Chancellor when sitting for the Lord Chancellor, and also  
 when sitting in his separate Court or in Chambers, as Circum-  
 stances shall require, and as the Lord Chancellor shall order and  
 direct.

Officers and  
 Attendants to  
 the Vice Chan-  
 cellor.

LV. The Salary of such Vice Chancellor, and the Salaries of  
 his Secretary, Usher, and Trainbearer, shall be of the same  
 Amounts, and paid out of the same Funds, and in like Manner,  
 as the Salaries of the said *Sir George James Turner*, his Secre-  
 tary, Usher, and Trainbearer, respectively, shall be payable at  
 or immediately before his Death, Resignation, or Removal from  
 Office.

Salaries of Vice  
 Chancellor and  
 his Officers to  
 be as at present.

LVI. It shall be lawful for Her Majesty, by Letters Patent  
 under the Great Seal of the United Kingdom, to grant to any  
 Person executing the Office of Vice Chancellor in pursuance of  
 this Act, on his Resignation of or his ceasing to execute his Office,  
 an Annuity of the same Amount, after the same Period of Service,  
 under the same Circumstances, subject to the same Conditions,  
 and payable out of the same Fund, as the Annuity authorized to  
 be granted to each of the Vice Chancellors appointed under the  
 said Act of the Fifth Year of Her present Majesty, Chapter Five.

Her Majesty  
 may grant Re-  
 tiring Pension  
 to Vice Chan-  
 cellor so ap-  
 pointed.

LVII. It shall be lawful for the Lord Chancellor to appoint  
 One or more Person or Persons, removable at Pleasure, for the  
 Purpose of keeping Order in the Court of the Vice Chancellor to  
 be appointed under this Act; and the Salary of the Person or  
 Persons appointed or to be appointed, under this Act or under  
 any Act or Acts now in force, to keep Order in the Court of the

Lord Chancellor  
 may appoint  
 Courtkeepers.



Vice Chancellor to be appointed under the Authority of this Act, shall be of such Amount, not exceeding the yearly Sum of Eighty Pounds, as the Lord Chancellor may think reasonable; and such Salary shall be paid to each such Person so to be appointed, out of the same Funds, and at the same Time, and in like Manner as the Salaries of like Persons have heretofore been paid.

Rights and Establishments of the present Masters to continue until released in pursuance of this Act.

LVIII. Nothing herein contained shall in anywise prejudice or affect the Title of the present Masters in Ordinary of the said Court to the Salaries payable to them as such Masters unless and until they shall be respectively released under this Act, or the Power of the Lord Chancellor to order a Retiring Allowance to any of them or any of their Clerks who may be or become afflicted with some permanent Infirmary disabling him from the due Execution of his Office, and who shall be desirous of resigning the same; and every of the present Masters in Ordinary of the said Court, until released under this Act, shall have the same Establishment of Clerks, whose Salaries and Compensations shall be payable out of the same Funds as the Salaries and Compensations of their Clerks are now payable; and all the Expenses attending the Establishment of the Masters Offices shall be paid in like Manner as such Expenses are now paid.

Nothing to affect Rights, &c. of Accountant General as a Master in Ordinary.

LIX. Nothing herein contained shall prejudice or affect the Rights, Duties, or Privileges of the Accountant General of the said Court of Chancery as a Master in Ordinary of the said Court, or any Salary or other Payment payable to the said Accountant General as such Master in Ordinary, or his Right or Title to any Retiring Allowance under any Act or Acts of Parliament now in force, nor shall the said Accountant General be called upon or required to do or perform any Duties or Services as such Master in Ordinary, other than such as are now usually performed by him.

The retiring Lord Chancellor may deliver written Judgments within Six Weeks after his Resignation.

LX. 'Whereas it has frequently happened that after Cases have been fully heard by the Lord Chancellor in the Court of Chancery and are standing for Judgment, the Lord Chancellor has delivered up the Great Seal without being able, by reason of other urgent public Business, to deliver Judgment therein, and much Inconvenience and Expense to the Parties has been thereby occasioned :

For Remedy thereof be it enacted, That in every such Case it shall be lawful for the Person who has so delivered up the Great Seal, within Six Weeks after he shall have delivered up the same, to give in to the Registrar of the said Court a written Judgment therein, signed by him; and a Decree or Order, as the Case may require, shall be drawn up in pursuance of such Judgment; and every such Decree or Order shall have the same Force and Effect as if the Judgment in pursuance whereof it is drawn up had been given in open Court the Day before he shall have so delivered up the Great Seal.

Construction of Terms.

LXI. In the Construction of this Act the Expression "Her Majesty" shall mean the Sovereign for the Time being; and the Expression "Lord Chancellor" shall mean also and include the Lord Chancellor, Lord Keeper and Lords Commissioners for the Custody of the Great Seal of the United Kingdom for the Time being.

## C A P. LXXXI.

An Act to consolidate and amend the Statutes relating to the Assessment and Collection of County Rates in *England and Wales*.  
[30th June 1852.]

**WHEREAS** it is expedient that the Laws relating to the assessing and Collection of County Rates should be amended, and that the Statutes now in force relating to that Subject should be consolidated into One Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

I. That from and after the passing of this Act so much of an Act passed in the Twelfth Year of the Reign of His late Majesty King George the Second, intituled *An Act for the more easy assessing, collecting, and levying of County Rates*, as provides the Mode of assessing and collecting County Rates, and so much of an Act passed in the Thirteenth Year of His said late Majesty, intituled *An Act to continue several Laws therein mentioned, for punishing such Persons as shall wilfully or maliciously pull down or destroy Turnpikes, for repairing Highways, or Locks or other Works erected by Authority of Parliament for making Rivers navigable*, and for other Purposes, as extended the Powers of Justices of the Peace of Counties touching County Rates to the Justices of the Peace of such Liberties and Franchises as have Commissions of the Peace within themselves, and an Act passed in the Thirty-seventh Year of the Reign of His late Majesty King George the Third, intituled *An Act for empowering the Justices of the Peace for the County of Middlesex, at their General or Quarter Sessions of the Peace, to make a fair and equal County Rate for the said County*, and an Act passed in the Fifty-fifth Year of the Reign of His said Majesty, intituled *An Act to amend an Act of His late Majesty King George the Second, for the more easy assessing, collecting, and levying of County Rates*, except as to the Provision in the said Act, Clause Seventeen, relating to the Allowance to the County Treasurer, and an Act passed in the Fifty-sixth Year of the Reign of His said Majesty King George the Third, intituled *An Act to explain and amend an Act passed in the last Session of Parliament, for the more easy assessing, collecting, and levying of County Rates*, and an Act passed in the Fifty-seventh Year of His said late Majesty, intituled *An Act to amend an Act of the last Session of Parliament, for the more easy assessing of County Rates*, and an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King George the Fourth, intituled *An Act to explain and amend several Acts relating to the assessing, levying, and collecting the County Rates*, and an Act passed in the First Year of the Reign of His late Majesty King William the Fourth, intituled *An Act to alter and amend the several Acts now in force for the assessing, collecting, and levying of County Rates, so far as the same relate to the County of Middlesex*, and an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of

Repeal of  
12 G. 2. c. 29.  
13 G. 2. c. 18.  
37 G. 3. c. 65.  
55 G. 3. c. 51.  
56 G. 3. c. 49.  
57 G. 3. c. 94.  
1 & 2 G. 4. c. 85.  
1 W. 4. c. xlviii.  
4 & 5 W. 4. c. 48.  
8 & 9 Vict. c. 111.  
12 & 13 Vict.  
c. 65.

of His said late Majesty King *William* the Fourth, intituled *An Act to regulate the Expenditure of County Rates and Funds in aid thereof*, and an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to amend the Laws relating to the assessing of County Rates*, and also so much of the Act passed in the Session of Parliament held in the Twelfth and Thirteenth Years of Her Majesty, intituled *An Act to provide a more convenient Mode of levying and collecting County Rates, County Police Rates, and District Police Rates in Parishes situated partly within and partly without the Limits of Boroughs which are not liable to such Rates*, as provided that the Overseers of Parishes or Places separately maintaining its own Poor, and divided in the Manner in the said Act mentioned, should collect the County Rates leviable on the Part of the Parish or Place not comprised within the Borough, shall be and the same are hereby repealed, save and except so far as they or any of them repeal any other Act, and save also so far as they or any of them provide for or relate to any Matter or Thing other than the County Rate.

Justices at Sessions to appoint Committees for preparing a Basis or Standard for assessing County Rates.

II. From and after the passing of this Act, it shall be lawful for Her Majesty's Justices of the Peace of every County in *England* and *Wales*, assembled at their General or Quarter Sessions of the Peace or at any Adjournment thereof, from Time to Time, as often as they may deem it necessary, to appoint any Number of Justices, not exceeding Eleven in Number nor less than Five, to be a Committee for the Purpose of preparing a Basis or Standard for fair and equal County Rates, such Basis or Standard to be founded and prepared rateably and equally according to the full and fair annual Value of the Property, Messuages, Lands, Tenements, and Hereditaments rateable to the Relief of the Poor in every Parish, Township, Borough, or Place, whether parochial or extra-parochial, within the respective Limits of the said Justices Commissions, or which in any Place within such Limits not maintaining its own Poor would be liable to be rated for the Relief of the Poor if such last-mentioned Place were a Parish, or, of altering and amending such Basis or Standard from Time to Time as Circumstances may require; provided that in Counties containing or which may hereafter contain more than Eleven Petty Sessional Districts or Divisions, the Committee so appointed may be extended to a Number equal to the Number of Petty Sessional Divisions, in order that One Justice may be selected from the Justices usually acting in each such Petty Sessional Division, if the same shall appear convenient in the Opinion of the Justices appointing such Committee.

Meetings of Committee.

III. The Committee so appointed shall hold their First Meeting after their Appointment at such Time and Place as shall be fixed by the said Court of General or Quarter Sessions, and their subsequent Meetings at such Times and Places as they shall themselves appoint for carrying this Act into execution; and at every Meeting of the said Committee, if Three or more Members thereof are present, they shall be competent to act, as fully and effectually as if all the Members of the said Committee were present.

Committee may appoint a Clerk.

IV. Such Committee may from Time to Time, as they may see fit, appoint a Clerk to assist them in the Execution of their Duties under

under the Provisions of this Act, and may at any Time remove such Clerk, and appoint another in his Stead.

V. For the Purpose of preparing such Basis or Standard for fair and equal County Rates the said Committee, by their Order in Writing, to be signed by their Clerk, may from Time to Time, as often as they may deem it necessary, direct the Overseers of the Poor, Constables, Assessors, and Collectors of public Rates of or for any Parish, Township, Borough, or Place within the County, and all other Persons having the Custody or Management of any public or parochial Rates or Valuations of any such Parish, Township, or Place, to make Returns in Writing to the said Committee, at such Times and Places as they may appoint, of the Amount of the full and fair annual Value of the whole or of any Part of the Property within the Parish, Township, or Place liable to be assessed toward the County Rate, together with the Date of the last Valuation for the Assessment of such Parish, and the Name of the Surveyor, or if no Surveyor, then the Name or Names of the Person or Persons by whom and the Manner in which the said Valuation was made; and the Overseers of the Poor required to make any such Return in respect of any Parish, Township, or Place maintaining its own Poor, and the Constable or other Person required to make any such Return in respect of any Place not maintaining its own Poor, shall, before they present the same to the said Committee, lay the same before a Vestry Meeting of the Parish, Township, or Place for which they act, or, where no Vestry Meeting is held, before some other Meeting of the Inhabitants of such Place, if any such there be, at which the public Business of such Place is commonly transacted.

VI. For the Purposes of preparing any such Basis or Standard for assessing any County Rate, the Words "full and fair annual Value" shall be taken to mean the net annual Value of any Property as the same is or may be required by Law to be estimated for the Purpose of assessing the Rates for the Relief of the Poor.

VII. The said Committee may from Time to Time, as often as they may deem it necessary, by their Order in Writing, signed as aforesaid, require the said Overseers of the Poor, Constables, Assessors, Collectors, and any other Persons whomsoever, to appear before them, when and where and as often as the said Committee may deem expedient, and to produce all parochial and other Rates, Assessments, Valuations, Apportionments, and other Documents in their Custody or Power relating to the Value of or Assessment on all or any of the Property within the several Parishes and Places aforesaid which may be liable to be assessed toward the County Rate, and to be examined on Oath, and answer such Questions as the said Committee may put to them respectively touching the said Rates, Assessments, Valuations, or Apportionments, or the Value of the Property aforesaid; and the said Committee shall be authorized and empowered to administer such Oath, and to examine the Parties upon Oath as aforesaid; and moreover it shall be lawful for such Committee in the like Cases from Time to Time to cause Copies of the total Amount assessed in each Parish, Township, or Place in respect of any Aids or Taxes payable to Her Majesty, Her Heirs or Successors, and the total Amount of the Valuation of the Property on which such Assessments

Committees may require Returns of the annual Value of the Property in any Parish liable to be assessed, with the Date of the last Valuation.

Such Returns to be laid before a Vestry Meeting previous to their being presented to the Committee.

Meaning of "full and fair annual Value."

Committees empowered to inspect Rates, Assessments, Valuations, &c.

55 G. 3. c. 51.

Assessments were made in any Year then elapsed, to be made out by the Clerk to the Commissioners of each District within the Limits of the Jurisdiction of such Justices.

Penalty on Overseers or others refusing to attend or produce Documents.

VIII. Every Overseer of the Poor, Constable, Assessor, Collector, or other Person so required to make Returns, or to appear as aforesaid, who shall, without any reasonable Excuse, neglect to make such Returns in Writing as aforesaid, or wilfully make any false Return, and every Person who shall neglect or refuse to appear when required so to do as aforesaid, or to be sworn or examined, or to produce such Documents as herein-before provided, shall forfeit a Sum not exceeding Twenty Pounds, to be prosecuted for and recovered by Order of the said Committee before any Two of Her Majesty's Justices of the Peace.

Committees may cause new Valuations to be made.

IX. That the said Committee may from Time to Time, and so often as they may think fit, by their Order in Writing, to be signed as aforesaid, direct that the whole or any Part of any Parish, Township, or Place within the County shall be valued, and may appoint One or more Person or Persons to make such Valuation; and the Person or Persons so appointed may at all reasonable Times, and with or without Assistants, enter upon, view, examine, survey, and measure all and any Lands, Houses, or other Property within such Parish, Township, or Place liable to be assessed toward the County Rate, in order to ascertain the Value at which the same ought respectively to be charged.

If Parish Officers, &c. neglect to make Returns, or make false Returns, Expenses of Valuations to be paid by Parishes.

X. If any Overseers or other Persons neglect to make any such Return in Writing as aforesaid, or wilfully make any false Return or Statement of the Amount of the full and fair annual Value of the Property within the Parish, Township, or Place liable to be assessed towards the County Rate, any Court of General or Quarter Sessions of the Peace, upon the Report of the said Committee, may order that the whole of the Expenses incurred by the said Committee in ascertaining the Amount of the full and fair annual Value of the same shall be charged upon the Parish, Township, or Place of which the Overseers or other Persons have been guilty of such Neglect or Misconduct as aforesaid, in addition to the Proportion of the County Rate to be paid by such Parish, Township, or Place; and such Expenses shall be raised, levied, and collected by such and the like Ways and Means as County Rate can or may be raised, levied, and collected, and shall be paid therewith, due Distinction being made, in the Case of every such additional Assessment, between the Sum or Sums charged for any such Expenses and the Sum or Sums assessed for the County Rate.

Costs of Valuations directed by Committee.

XI. In any Case where any Committee appointed as aforesaid have directed the whole or any Part of any Parish, Township, or Place to be valued, and where, in the Basis or Standard of Rate afterwards allowed and confirmed by any Court of Quarter Session upon the Report of such Committee, such Parish, Township, or Place is rated on a Sum greater than the Sum set forth in the Returns made to such Committee by the Overseers of the Poor, Constable, or other Person required to make such Return in any Place not maintaining its own Poor, if there be no Appeal made, and prosecuted with Success against the Basis or Standard for the Rate on such Parish, Township, or Place, at the Quarter Session

holden

holden next after such Confirmation or Allowance of such Basis or Standard, the Justices of the Peace at such Session shall order the Overseers, Constable, or other Person as aforesaid of such Parish, Township, or Place to pay the Amount of the Expenses incurred in making such Valuation; and in any such Case as aforesaid, if there be an Appeal to the Justices of the Peace at any Quarter Session against such Basis or Standard, on the Ground that such Parish, Township, or Place is rated on a Sum beyond the fair annual Value of the Property therein, and if on such Appeal such Basis or Standard is confirmed as to such Parish, Township, or Place, or if it be not reduced to or below the Sums set forth in the Returns made to such Committee as aforesaid, the Justices of the Peace at such Session shall order the Overseers, Constable, or other Person as aforesaid of such Parish, Township, or Place to pay the Amount of the Expenses incurred in making the Valuation under the Direction of the Committee; and such Expenses shall be raised, levied, and collected by such and the like Ways and Means as County Rate can or may be raised, levied, and collected, and shall be paid therewith, due Distinction being made, in the Case of every such additional Assessment, between the Sums charged for or on account of any such Expenses and the Sum or Sums assessed as and for the County Rate.

XII. The said Committee from Time to Time may make such Allowances and Compensations to their Clerk, and to the Overseers, Constables, Collectors, Surveyors, and other Persons employed in the Execution of this Act, as to them shall appear reasonable and proper, which, together with the Costs of printing and other Expenses necessarily incurred by the said Committee in or about the preparing or amending any such Basis or Standard for County Rates, shall be paid, by an Order of the Court of General or Quarter Sessions of the Peace, out of the County Stock.

XIII. When and so soon as the Committee appointed as aforesaid have prepared any such Basis or Standard of County Rate in which the total Amount of the annual Value of the Property in any Parish or Place within the County is estimated at a greater or less Amount than in the last-preceding Basis or Standard, they shall cause such last prepared Basis or Standard to be printed in such Form as they may think proper, and shall forthwith cause to be sent, by the General Post or otherwise, One Copy of the same to every acting Justice of the Peace for the County, and to the Overseers of the Poor, Constables, or other Persons charged with the Collection or Levy of the County Rate in every Parish and Place within such County; and such Overseers of the Poor, Constables, or other Persons shall, within Twenty-one Days after the Receipt of such Copy, call a Vestry or other Meeting of such Parish or Place, and shall submit the said Copy to such Meeting; and any Person rated to the Relief of the Poor, or liable to contribute to the County Rate, in such Parish or Place, may at all reasonable Times inspect and examine the said Copy whilst the same remains in the Custody of any such Overseer, Constable, or other Person, and take Extracts or Copies therefrom, without the Payment of any Fee for the same.

XIV. Together with the Copy of such proposed Basis or Standard there shall also be sent by the said Committee to the Overseers of the

Allowances and Compensation to Persons employed in the Execution of this Act.

When Committee have prepared a Basis for a County Rate differing in Value from the preceding, they shall cause it to be printed and distributed to the acting Justices, &c.

Such Basis to be submitted to Vestry.

Notice of the Time within which Objec-

tions may be made to the proposed Basis to be sent to the Overseers.

the Poor or Constable of every such Parish or Place, or other Person as aforesaid, a Notification of a reasonable Time, not less than One Calendar Month after the Date of such Notice, within which any Objections to the proposed Basis or Standard may be forwarded to the said Committee by such Overseers or Constable or other Person as aforesaid, or by any Person affected by such Basis or Standard; and the said Committee shall fix and give due Notice of a Time and Place when and where such Objections will be taken into consideration by the said Committee, and for hearing the Parties making such Objections.

Notice to be given when Basis will be taken into consideration by Court of General or Quarter Sessions.

XV. When any proposed Basis or Standard for a County Rate has been finally corrected and approved of by the said Committee, they shall lay the same before the Court of General or Quarter Sessions holden next thereafter, and such Court shall thereupon order public Notice to be given, in One or more of the Newspapers usually circulated within the County, that such Basis or Standard will be taken into consideration at the then next General or Quarter Sessions of the Peace to be held for the said County; and at such last-mentioned General or Quarter Session of the Peace the Court shall proceed to take the same into consideration, and to alter and amend the same as to them may seem proper, and, if they think fit, to allow and confirm the said Basis or Standard, or, instead of making any Alteration in the said Basis or Standard, or of allowing and confirming the same, to refer back the said Basis or Standard for Amendment to the said Committee, and to adjourn the Consideration thereof to some future General or Quarter Session of the Peace, or any adjourned Quarter Session; and in such last-mentioned Case the said Committee shall have the same Powers and Authorities for requiring Returns and ascertaining the Value of Property liable to be assessed toward the County Rate, in order to the revising or amending of the said Basis or Standard so referred, as are herein-before given to them for preparing the same; and all the Clauses and Provisions herein-before contained for preparing any Basis or Standard shall be applicable in every respect to the Revision or Amendment of the same; and any Amendment or Alteration by the said Committee of such Basis or Standard so referred shall be reported and taken into consideration at the General or Quarter Session of the Peace, or any adjourned Quarter Session to which the Consideration thereof was adjourned; but before any such Alteration or Amendment made by the said Committee of the said Basis or Standard so referred be allowed or confirmed by the Court of General or Quarter Session of the Peace or adjourned Quarter Sessions, the said Committee shall send at least Fourteen Days previous Notice thereof, by Post or otherwise, to every Parish and Place with respect to which such Alteration or Amendment is made.

Basis to be deemed valid after Confirmation by Court of General or Quarter Sessions.

XVI. When the Court of General or Quarter Session or Adjourned Quarter Session of the Peace have so allowed and confirmed any Basis or Standard for a County Rate, the same shall be taken to be made and established, and shall be valid, legal, and effectual, to all Intents and Purposes, notwithstanding any Irregularity may have arisen in the making thereof, and notwithstanding the Officers of any Parish or Place may have omitted to make the Returns herein-before mentioned, subject nevertheless at all Times

to Appeals against the same, as herein-after provided; and the said Court shall cause Copies of the said Basis or Standard, after Allowance and Confirmation, to be printed, and shall direct One of such Copies to be sent to every acting Justice of the Peace for the County, and One Copy to the Overseers of the Poor, Constable, or other Person charged with the Collection and Levy of the County Rate in every Parish and Place within the said County; and such Basis or Standard, so confirmed, shall be deemed and taken to be the Basis or Standard and the Proportion in which all Assessments of the County Rate shall thenceforth be made, subject to such Alterations as may be necessary in consequence of any Appeal, or the Recommendation of the County Rate Committee, as herein-after enacted: Provided always, that any Basis or Standard now in force or hereafter to be allowed and confirmed shall continue to be in force and to be acted upon, subject to any Alteration to be made by reason of any Appeal or otherwise, as in this Act provided for such Alteration, until a new Basis or Standard for a County Rate shall have been made and established under this Act.

XVII. If at any Time after the said Basis or Standard has been allowed, confirmed, and made as aforesaid, any Overseer or Overseers of the Poor, or other Person charged with the Collection and Levy of County Rate in any Parish or Place, or Inhabitant or Inhabitants thereof, have Reason to think that such Parish, Township, or Place is aggrieved by any such Basis or Standard, whether it be on account of some One or more of such Parishes, Townships, or Places being without sufficient Cause omitted altogether from the said Basis or Standard, or on account of such Parish, Township, or Place being rated on a Sum beyond the full and fair annual Value of the Property therein liable to be assessed toward the County Rate, or on account of some other Parish or Parishes, Township or Townships, Place or Places, being rated on a Sum less than the full and fair annual Value of the Property therein liable to be assessed toward the County Rate, such Overseer or Overseers of the Poor, Constable, or other Person, or Inhabitant or Inhabitants, may appeal to the Justices of the Peace for the County at any Quarter Sessions to be holden after the Sessions at which such Basis or Standard was allowed and confirmed, against such Part only of the said Basis or Standard as may affect the Parish or Parishes, Township or Townships, Place or Places which appear to be over-rated or under-rated, or omitted altogether from the said Basis or Standard as aforesaid (subject to the Provisions herein-after contained); and if in any Case where any Overseer or Overseers, Constable, or other Person as aforesaid of One Parish or Place appeals against the Basis or Standard of Rate on any other Parish or Place, on account of the same being altogether omitted from such Basis or Standard, or on account of the same being rated at less than the full and fair annual Value thereof as aforesaid, such Overseer or Overseers, Constable, or other Person shall give Twenty-one Days Notice in Writing previous to the First Day of the said Session at which such Appeal shall be made, of the Intention to appeal, and of the Cause and Matter thereof, to the Overseers of the Poor, or where there are no such Overseers to the Person charged with the Collection and

Appeal against  
Basis.

Notice of Ap-  
peal.

Levy



Levy of County Rate in such other Parish or Place, and if in any Case where any such Overseer or Overseers, Constable, or other Person appeal against the said Basis or Standard on the Ground that any Parish, Township, or Place is rated on a Sum beyond the full and fair annual Value of the rateable Property therein, such Overseer or Overseers, Constable, or other Person shall give Twenty-one Days Notice thereof in Writing, with the Cause and Matter thereof, to the Clerk of the Peace of the County, the said Justices shall be empowered to hear and determine such Appeal in manner by this Act directed, and either to confirm such Parts of the Basis or Standard as have been appealed against, or to correct such Inequalities or Omissions as shall be proved to exist therein, in such Manner as to them the said Justices may appear fair, just, and equitable; but no such Basis or Standard shall upon any Appeal be quashed or destroyed, in regard to any other Parish, Township, or Place, unless in Cases where the Justices of the Peace in Quarter Sessions assembled, or the major Part of them, deem it necessary to proceed to the making of an entire new Basis or Standard, and where they proceed therein according to the Provisions of this Act.

Hearing and  
determining  
Appeals.

XVIII. It shall be lawful for the Court of Quarter Session of the Peace, upon any such Appeal, instead of hearing the said Appeal, to adjourn the same, and to order, upon the Application of the Appellant or Respondent in such Appeal, a Survey and Valuation of any of the Parishes, Townships, or Places, or any Parts thereof, in respect of or relating to which any such Appeal shall be made, and to fix the next or some subsequent Session for receiving such Survey and Valuation, and for hearing and determining the said Appeal, and such Court shall also thereupon appoint a proper Person or Persons to make such Survey and Valuation; and the Person or Persons so appointed shall for that Purpose have full Power, with or without Assistants, to enter upon, view, and examine, survey, measure, and value all and any Lands, Houses, and Property liable to be assessed toward the County Rate within the Parishes, Townships, and Places mentioned in such Order; and such Survey and Valuation shall be reported to the Quarter Session, or Adjournment, fixed as aforesaid for receiving the same; and the Court then and there assembled shall hear and determine the said Appeal in the Manner herein-before set forth.

Sessions to de-  
termine Costs  
of Appeal and  
of Valuation  
ordered by Ses-  
sions.

XIX. The Charges and Expenses of and attending any Survey and Valuation ordered to be made by any Court of Quarter Sessions in such Appeal as aforesaid shall be deemed Costs in such Appeal, and abide the Event thereof; and the Court before which any such Appeal is heard and determined may order the Costs in and about such Appeal to be paid by either Party, Appellant or Respondent, as they in their Discretion may think fit; but where any Appeal is made on the Ground that any Parish, Township, or Place is rated on a Sum beyond the full and fair annual Value of the Property therein, if the Court before which such Appeal is heard determine in favour of the Appellants, such Court shall ascertain the Costs and Charges incurred by such Appellants in and about such Appeal, and shall order the Treasurer of the County Rates to pay the same to such Appellants out of the public Stock of the County in his Hands.

XX. Although

XX. Although no Appeal shall be made as aforesaid, it shall be competent to any Committee appointed as herein-before provided, and upon being so required by the Court of General or Quarter Sessions, from Time to Time to revise any such Basis or Standard for a County Rate being then in force in any County, for the Purpose of meeting any partial Changes that may have occurred in the rateable Value of Portions of the Property liable to be assessed, and to call for Information, and to exercise all the Powers herein-before authorized, and if, after due Inquiry and Investigation, it shall seem fit to such Committee to alter such Basis or Standard, they shall forthwith give Notice in Writing of such Alteration to any Parish or Place whose Basis or Standard they propose to alter, whether by diminishing or increasing it, and shall, upon some Day to be named in such Notice, hear and decide upon any Objection that may be made by any Person on behalf of such Parish or Place; and upon the Decision of such Committee as aforesaid to alter such Basis or Standard, they shall report such Alteration to the next or some subsequent General or Quarter Sessions, having given to each Parish or Place whose Basis or Standard is altered by such Report Notice thereof in Writing not less than Ten Days previous to such Sessions, and the Justices assembled thereat, after hearing the Objections, if any, that may be made by any Person duly authorized to represent any such Parish or Place, may make such Order as to them shall appear just for ascertaining and deciding upon such proposed Alteration, and any Order so made shall be binding upon all Parties concerned.

Committee may  
revise Basis or  
Rate from Time  
to Time.

XXI. From and after the passing of this Act, it shall be lawful for the Justices of the Peace of the several Counties, or Divisions of Counties in *England* and *Wales*, assembled at their General or Quarter Sessions, or at any Adjournment or Adjournments thereof, and they are hereby authorized and empowered, whenever Circumstances shall appear to require it, to order and direct a fair and equal County Rate to be made, for all the Purposes to which the County Stock or Rate is now or shall hereafter be made liable by Law, according to the Basis or Standard for the Time being in force in such County or Division of a County; and for that Purpose to assess and tax every Parish, Township, and other Place, whether parochial or extra-parochial, within the respective Limits of their Commissions, or within such Divisions, rateably and equally, according to a certain Pound Rate (to be from Time to Time fixed and publicly declared by such Justices), upon the Basis or Standard herein-before mentioned, of the full and fair annual Value of the Property, Messuages, Lands, Tenements, and Hereditaments rateable to the Relief of the Poor therein, or which in any Place not maintaining its Poor would be liable to be rated for the Relief of the Poor if the said last-mentioned Place were a Parish, any Law or Statute to the contrary thereof notwithstanding; and the Justices of the Peace shall in all Cases where the same may be necessary appoint proper Persons within such extra-parochial or other Places for the assessing, taxing, and rating such Extra-parochial Property, Messuages, Lands, Tenements, and Hereditaments, and levying, collecting, and paying over such Assessment, Taxes, or Rates.

Justices in General or Quarter Sessions to make a fair and equal County Rate, whenever Circumstances appear to require it.

Parishes ag-  
grieved may  
appeal.

**XXII.** If the Churchwarden or Churchwardens, Overseer or Overseers of the Poor, or other Inhabitant or Inhabitants of any Parish, Township, or Place, whether parochial or otherwise, where there is no Churchwarden or Overseer, or Person appointed to act as such, shall at any Time thereafter have Reason to think that such Parish, Township, or Place is aggrieved by any Rate or Assessment now existing, or hereafter to be made upon the Basis or Standard herein-before mentioned, either in pursuance of this Act or of any Act or Acts now in force, whether it be on account of the Proportions assessed upon the respective Parishes, Townships, or Places being unequal, or on account of some One or more of them being without sufficient Cause omitted altogether from the Rate, or on account of such Parish, Township, or Place being rated at a higher Proportion of the Pound Sterling according to the fair annual Value of the rateable Property therein, or on account of some other Parish or Parishes, Township or Townships, Place or Places being rated at a lower Proportion of the Pound Sterling according to the fair annual Value of the rateable Property therein than has been fixed and declared by the Justices of the Peace of the said County in Sessions assembled as the Basis of the Rate of the said County, or on account of the altered State of the Value of the Property assessed, or any Part thereof, or shall have any other just Cause of Complaint whatsoever, it shall be lawful for such Churchwarden or Churchwardens, Overseer or Overseers of the Poor, or other Inhabitant or Inhabitants where there is no Churchwarden or Overseer, or Person appointed to act as such, to appeal to the Justices of the Peace for the County at the next Quarter Sessions of the Peace after such Cause of Appeal shall have arisen, against such Part of the Rate only as may affect the Parish or Parishes, Township or Townships, Place or Places which are unequally rated, or which shall appear to be over-rated or under-rated, or omitted altogether from the Rate: Provided always, that Fourteen clear Days Notice in Writing previous to the First Day of such last-mentioned Quarter Sessions shall be given by the Parties intending to appeal to the Parties against whose Rate the Appeal is to be made, also to the Clerk of the Peace of the County, and the Hundred Constable, of the Grounds of such Appeal and the Intention to try such Appeal at such Quarter Session of the Peace; and the said Justices are hereby empowered to hear and finally determine the same, and either to confirm such Parts of the Rate as have been appealed against, or to correct such Inequalities, Disproportions, or Omissions as shall be proved to exist therein, as well in respect of the Basis or Standard as in the Assessment of the Rate made thereon, in such Manner as to them the said Justices shall appear fair, just, and equitable, anything in this Act, or any former Act or Acts, or any Law, Usage, or Custom, to the contrary thereof notwithstanding: Provided nevertheless, that upon such Appeal no such Rate shall be quashed or destroyed in regard to any other Parish, Township, or Place, unless in Cases where the Justices of the Peace of any County in Quarter Sessions assembled, or the major Part of them, shall deem it necessary to proceed to the making of an entire new Rate, and shall proceed therein, according to the Provisions of this Act.

**XXIII.** From

**XXIII.** From and after the passing of this Act, the County Rate or Rates made upon any Parish, Township, or Place (whether extra-parochial or otherwise) shall be paid, and shall and may be levied, recovered, and received, notwithstanding any Appeal or Appeals may have been made to the Quarter Sessions of the Peace against any such Rate or Rates, and such Rate or Rates shall continue to be raised, levied, and received until the Decision of the Justices shall be made upon such Appeal or Appeals: Provided always, that if upon the Hearing of any such Appeal or Appeals the Court of Quarter Sessions of the Peace shall order any Rate or Assessment to be set aside, decreased, or lowered, and it shall appear to the said Court that any Parish, Township, or Place have or hath, previously to the Determination of such Appeal or Appeals, paid any Sum or Sums of Money in consequence of such Rates or Assessments which ought not to have been paid or charged therein, then and in every such Case the said Court shall order such Proportion of such Sum or Sums of Money as shall have been so paid by any Person or Persons, Parish, Township, or Place, subsequently to the Notice which shall have been given of such last-mentioned Appeal or Appeals, to be repaid and returned to the Person or Persons, Parish, Township, or Place which have or hath paid the same respectively, out of the General Rate of the County in which the Cause of Appeal shall have arisen.

**XXIV.** Save as herein-before otherwise provided, in case of any Appeals, Actions, Suits, or Proceedings at Law respecting anything done in pursuance of this Act, or any other Act or Acts relating to the County Rate, the Expenses of all such Appeals, Actions, Suits, or Proceedings at Law shall be borne and paid by such respective Parishes, Townships, Places, and Persons, or such of them, and in such Proportions, as the said Justices shall, as they are hereby authorized to do, upon any Appeal, in their Quarter Sessions award and order, or as such Courts wherein such Actions, Suits, or Proceedings shall be instituted shall, as they are hereby authorized to do, adjudge and order.

**XXV.** And for the more effectual preventing of frivolous Appeals, be it enacted, That the Justices of the Peace in their Quarter Sessions assembled, upon Proof before them there to be made of Notice of any Appeal having been given as herein-before authorized by any Churchwarden or Churchwardens, Overseer or Overseers, or other Person or Persons (though he or they did not afterwards prosecute such Appeal), shall and may at the same Sessions award and order to the Party to whom such Notice shall appear to have been given such Costs and Charges as by the said Justices in their Discretion shall be thought reasonable and just to be paid by the Churchwardens, Overseers, or any other Person by whom such Notice shall have been given.

**XXVI.** When and as often as the Justices of the Peace within the respective Limits of their Commissions in *England* have made a County Rate, a printed List of the Parishes and Places assessed to such Rate, and the Amount of the rateable Value upon which each such Parish and Place shall have been respectively assessed, shall be sent to the Overseers of the Poor, Constables, or other Persons charged with the Collection or Levy of the County Rate in every Parish and Place within the County, and such Justices,

Rate to be raised, notwithstanding Appeals, until Determination of Justices.

57 G. 3. c. 94. a. 2.

In case Justices order Rate to be set aside, &c. Money paid subsequent to the Time of Appeal to be returned out of County Rate.

Expenses of Appeals, &c. shall be paid in such Proportions as the Justices or Courts of Law shall award.

Costs may be awarded upon Notices of Appeal not prosecuted.

Justices of the Peace shall send Precepts directly to Guardians of Unions for the Payment of County Rates.

assembled at their General or Quarter Sessions or at any Adjournment thereof, shall order Precepts in the Form shown in the Schedule annexed to this Act, or as near thereto as may be, to be issued to the Guardians of every Union of Parishes, of which Union any Parish is situate within such Limits, stating the Sum or Sums assessed and charged for each such Rate on each Parish in the Union, the whole of which Parish is situate within such Limits, and to the Guardians of every single Parish situate within such Limits, stating the Sum or Sums assessed and charged on such Parish for each such Rate, and requiring the Guardians of such Union or Parish respectively, within such Time as may be limited in such Precepts, to cause the aggregate of the said several Sums so stated to be paid by them, out of the Monies held by them on behalf of each such Parish, to the Treasurer of the County or Place for which such Justices act, and may cause such Precepts to be sent, by Post or otherwise, to such Guardians; and such Precepts shall have Force in every such Union, so far as concerns such Parishes as are within the Limits of the Commission of the said Justices, notwithstanding that the Place of Meeting of such Guardians may not be situated within such Limits, and without being endorsed with the Signature of any Justice of the Peace having ordinary Jurisdiction in the Place of Meeting of the Guardians; and such Guardians shall raise the Monies required by such Precepts to be paid in like Manner as the Money required by such Guardians for the Relief of the Poor, and shall pay such Monies at the Time limited and in the Manner prescribed by such Precepts; and if the Treasurer of such Guardians, or any Person on his or their Behalf, tender to the Treasurer of the County or Place for which such Justices act the aggregate of the said several Sums, or if he so tender the whole Sum assessed on any such Parish or Parishes in respect of any such Rate or Rates, together with a Copy of such Precept in which are specified the Parish or Parishes and the Rate or Rates in respect of which the same is so tendered, the Treasurer of the County shall receive the Sum so tendered, notwithstanding that the Sums required to be paid on behalf of other of such Parishes or of other of such Rates be not then tendered, and shall give a Receipt for the Sum or Sums received by him accordingly, but he shall not receive any Sum on behalf of any such Parish less than the whole of the Sum assessed and charged thereon in respect of One such Rate; and the Receipt of the Treasurer of such County or Place shall be a good Discharge for the Payment of the Sums specified in any such Precept or of any of them.

Guardians to  
pay such Rates.

County Treas-  
urer to receive  
the same.

If the Guar-  
dians fail to pay  
such Rates, the  
Justices may  
issue Warrants  
to Overseers  
of Parishes, &c.  
to pay the same.

XXVII. In case Guardians do not pay within the Time limited in such Precept the Sum or Sums of Money therein required to be paid on behalf of any Parish, the said Justices assembled as aforesaid may cause to be issued and sent, by Post or otherwise, to the Overseers of the Poor of such Parish, or to the Petty Constable or Peace Officer, or other Person or Persons empowered in any Place to rate and levy the Monies assessed as such County Rate, Warrants to collect and pay to the Treasurer of the County or Place in which such Justices act, within a Time to be named and limited in such Warrants, the Rate or Rates charged on such Parish or Place respectively, together with an Addition to such Rate

Rate or Rates in the Proportion of One Shilling to every Ten'; and such additional Sum shall be applied and disposed of in like Manner as the County Rate; and such Overseers of the Poor, Petty Constables, Peace Officers, or other Persons may reimburse themselves, as well for such additional Sums as for the original Amount of Rate or Rates, out of the Monies which they are respectively empowered to rate and levy for the Purpose of such County Rate, but shall not receive or take from the County Rate, or any other Rate, any Allowance or Compensation for their Trouble or Expenses incurred in collecting, levying, or paying such County Rate.

XXVIII. If any Overseer, Petty Constable, Peace Officer, or other Person as aforesaid refuse, make default or neglect to pay to the Treasurer of the County or Place within the Time limited as aforesaid, the Sum or Sums of Money specified in the said Warrants, and if the Clerk of the Peace or Treasurer of the County or Place make Complaint thereof, then any Justice of the Peace of such County or Place may by Warrant under his Hand levy the same by Distress and Sale of the Goods of the Offender; and the Justices assembled as aforesaid may pay to any Clerk, Constable, Messenger, or other Person who may have been employed in making such Complaint, or in obtaining, drawing, or executing such Warrant, such reasonable Compensation out of the County Stock as to the said Justices may seem fit.

If the Overseers, &c. fail to pay, the Justices may levy the Rate by Distress and Sale.

XXIX. In every Case where any Parish comprised in an Union has, on or before the Day on which any Precept as aforesaid should be obeyed, contributed Money sufficient to enable the Guardians of the Union to pay any Sum or Sums required by such Precept in respect of such Parish, as well as to provide for the immediate Relief of the Poor of such Parish, and to satisfy all other Obligations of the said Guardians in respect of such Parish in force on that Day, and where, through the Default of any other Parish or Parishes in the same Union in contributing Money to such Guardians, or through the Neglect of such Guardians to demand sufficient Contributions from any other Parish or Parishes in the same Union, the said Guardians have applied the Money of such first-mentioned Parish to the Use of such other Parish or Parishes, and are thereby rendered unable to pay any Money so required by such Precept on behalf of such first-mentioned Parish, and such Parish is by reason thereof compelled to pay the additional Sum of One Shilling in every Ten, as herein-before provided, in every such Case the Guardians of the Union shall reimburse such first-mentioned Parish such additional Sum, and all Costs incurred by reason of the Premises, out of the Monies of such other Parish or Parishes which may next thereafter come into the Hands of such Guardians; and in case more than One Parish be in default as aforesaid the said Guardians shall charge such additional Sum and Costs to every such Parish, in proportion to the Amount of the Deficiency of the Contribution of each Parish respectively on the Day on which the said Precept should have been obeyed.

Parishes not in arrear with Contributions to be reimbursed by those which are in arrear.

XXX. In the Case of every Parish not comprised within any Union, and in which the Laws for the Relief of the Poor are not administered by a Board of Guardians, and in the Case of every Parish

Justices may issue Precepts to Overseers of Parishes,

Sec. not comprised in Unions or only partly within the Jurisdiction of the Justices.

Parish comprised in a Union the Guardians of which are not empowered to relieve the Poor, and in the Case of any Parish comprised within a Union, or in which the Laws for the Relief of the Poor are administered by a Board of Guardians, of which Parish a Part only is situated within the Limits of the Commission of any Justices, for which Part no separate Rate is levied for the Relief of the Poor, or where there are no separate Churchwardens or Overseers of the Poor, or where no separate or distinct Rate is made and collected for the Relief of the Poor of any Division or Part of any Parish, Township, or Place situated in and extending into Two or more Counties, Ridings, or Divisions, and in the Case of every Place not maintaining its own Poor, but liable to the Payment of County Rates as aforesaid, the Justices assembled as aforesaid may, so soon as any Vacancy occurs in the Office of High Constable, issue their Warrant to the Overseers, Petty Constables, Peace Officers, or other Persons empowered by Law to rate and levy County Rates in such Parish, Part of a Parish, or Place, to pay to the County Treasurer, or to transmit to him in such Manner as the said Justices may from Time to Time direct, within a Time limited in such Warrant, the County Rate, as aforesaid charged on them, without the Agency or Intervention of any High Constable, and such Justices may cause such Warrant to be sent by Post or otherwise; and in case the said Overseers, Petty Constable, Peace Officer, or other Person refuse or neglect to pay any such Rate within the Time limited in such Warrant, the same Remedy may be had against them as is herein-before provided against Overseers, Petty Constables, Peace Officers, or other Persons refusing, making default, or neglecting to pay to the Treasurer of the County or Place, within the Time limited, the Rate or Rates charged upon any Parish in Union, and omitted to be paid by the Guardians of such Union, in compliance with the Precept issued by the Justices as aforesaid.

XXXI. 'Whereas there are several Parishes, Townships, Hamlets, and Places situated in and extending into Two or more Counties, Ridings, or Divisions having separate and distinct Commissions of the Peace, Part of such Parishes, Townships, Hamlets, and other Places being situated in One County, Riding, or Division, and other Part or Parts thereof in another County or other Counties, Riding or Ridings, Division or Divisions, and the Messuages, Lands, Tenements, and Hereditaments situated in such Parishes, Townships, Hamlets, or other Places are rateable to the Relief of the Poor therein, and to the County Rates of the respective Counties, Ridings, or Divisions in which such Messuages, Lands, Tenements, and Hereditaments] are respectively situated, but the Constables, Churchwardens, and Overseers are appointed for the whole of such Parishes, Townships, Hamlets, or Places, and it frequently happens that such Constables, Churchwardens, and Overseers are resident in One Division of such Parishes, Townships, Hamlets, or other Places, and that there are no Constables, Churchwardens, or Overseers residing in the other Division thereof, or within the Limits of the Jurisdiction of the Justices making such County Rate or Rates, whereby considerable Difficulties have in such Cases arisen in raising the County Rates in such Divisions.' For Remedy whereof,

whereof, be it enacted, That from and after the passing of this Act all and every the Powers and Provisions, Clauses, Pains, Penalties, and Forfeitures, given, granted, provided, made, or imposed by this Act, shall extend, and be deemed, construed, and taken to extend, to all Cases and Places as aforesaid where there are no separate Churchwardens or Overseers of the Poor, or where no separate or distinct Rate is made and collected for the Relief of the Poor of any such Division or Part of any Parish, Township, or Place situated in and extending into Two or more Counties, Ridings, or Divisions as aforesaid; and that all and every the Constables, Churchwardens, and Overseers of any such Parishes, Townships, Hamlets, or other Places as are situated in and extend into Two or more Counties, Ridings, or Divisions having separate and distinct Commissions of the Peace as aforesaid shall be subject to the Precepts, Warrants, Orders, and Directions of the several Justices of the Peace for the respective Divisions or Parts of such Parishes, Townships, Hamlets, or other Places, so far as the same may relate to the making of the Returns herein-before required, and the assessing, levying, and collecting of the Proportion of the County Rate for such respective Divisions or Parts of such Parishes, Townships, Hamlets, or other Places, or otherwise to the Execution of this Act, within the Parts of such Parishes, Townships, Hamlets, or other Places as shall be situated within the Limits of the Jurisdiction of the Justices making and issuing such Precepts, Orders, Warrants, and Directions, and shall be subject to the same Fines, Penalties, and Forfeitures for Neglect and Disobedience of the Precepts, Warrants, Orders, and Directions of such Justices, so far as the same shall relate to the Matters aforesaid or any of them, or otherwise to the Execution of this Act as such Constables, Churchwardens, and Overseers, or other Officers would by the Laws now in force be subject and liable to if such Constables, Churchwardens, Overseers, or other Officers had resided within the Limits of the Jurisdiction of the Justices making and issuing such Precepts, Warrants, Orders, and Directions: Provided always, that nothing herein contained shall extend, or be construed, deemed, or taken to extend, to authorize any Justice or Justices of the Peace to act in the Cases aforesaid or any of them beyond the Limits of the Jurisdiction within which he or they shall be generally appointed and authorized to act as such Justices.

XXXII. That where any Parish or Place separately maintaining its own Poor shall be divided, so that a Part is comprised in a Borough not subject to contribute to the County Rate, while the Part out of the Borough is liable to contribute thereto, and any County Rate shall be assessable upon the Part of the Parish or Place which is comprised within the County and excluded from the Borough, the Overseers of such Parish or Place shall, on Receipt of any Precept or other lawful Demand from the Justices of the County, or other due Authority in that Behalf, demanding the Payment of any Sum of Money as the Contribution of the Part of such Parish or Place out of the Borough towards any such Rate as aforesaid, with all convenient Speed assess the Sum so required upon the Persons liable within such Part of the Parish or Place to pay the Poor Rate therein, by means of a separate Rate, to be made, allowed, and published in like Manner as the

Places where there are no separate Churchwardens, &c., or where no separate or distinct Poor Rate is made for any Place extending into Two or more Counties, &c.

Justices not to act beyond their Jurisdiction.

The Overseers of Parishes situated partly within Boroughs and partly without to collect the County Rates leviable on the Part of the Parish not comprised within the Borough.



Poor Rate, and either by themselves or by the Collector of Poor Rates for the Time being appointed for the said Parish or Place shall collect the same separately or with the Poor Rate payable by the Parties assessed thereto, and for the Purposes of assessing and collecting the same shall have all such Powers, Authorities, Privileges, Protections, and Incidents as belong to them in the assessing and Collection of the Poor Rate ; and all Provisions of the Law for enforcing the Collection of the Poor Rate, and recovering the Costs of the Proceedings therein, shall be applicable to the Collection of the Rate or Rates herein last above mentioned and provided for.

Appeal against  
the Rate, and  
Audit of the  
Accounts.

XXXIII. That any Person assessed to any Rate made under the Authority of the Provisions last herein-before contained may appeal against the same, in like Manner, and with the like Consequences in all respects, and subject to the same Provisions and Regulations, as in Appeals against the Poor Rate ; and that every Overseer and Collector shall account for the Money levied, collected, and expended under the Authority of this Act to the Auditor of the District comprising such Parish or Place, in like Manner as for the Poor Rate, and if any Balance be found to be in his Hands shall apply the same towards the next County Rate required for the like Purpose of this Act, or shall pay the same to his Successor in Office ; and in default of his so applying the same while in Office, or making Payment to his Successor within Seven Days after the Balance shall have been found, such Auditor shall proceed to recover the same from the Person holding the same, in like Manner as Sums certified by him to be due from Persons accounting shall from Time to Time be recoverable, and he shall be paid his Costs and Expenses, when not recovered from the Defendant, by the then Overseers of the Parish or Place, who shall be reimbursed out of the Balance of such Rate, or, if need be, out of the next Rate.

Mode of pro-  
curing the Funds  
when the Pre-  
cept is sent to  
the Guardians  
of the Union  
comprising the  
divided Place.

XXXIV. That where a Precept shall be issued to the Guardians of the Union comprising any such Parish or Place, under the Provisions in that respect herein-before contained, and such Precept shall contain a Sum to be assessed and charged in respect of any such Rate as is herein provided for upon a Part of such Parish or Place as aforesaid, the said Guardians may require the Overseers of such Parish or Place to pay to their Treasurer a Sum of Money sufficient to enable the said Guardians to pay the Sum so assessed, with the other Sums mentioned in the said Precept, to the Treasurer of the County or other Person lawfully authorized to receive it ; and the said Overseers shall pay the Amount out of any Monies in their Possession belonging to the Parish or Place, or to the Part of such Parish or Place respectively, and reimburse themselves, if necessary, by a Rate, to be levied as herein-before described, upon the Persons liable thereto, or, if they have no such Monies, shall forthwith proceed to levy and collect the requisite Amount by such Rate, and pay the same over to the Treasurer of the said Guardians : Provided nevertheless, that if such Overseers make default, and do not make the requisite Payment within the appointed Time, they shall be subject to be proceeded against in like Manner as the Overseers of a Parish wholly

wholly situated within the County are subjected to under the Provisions of this Act.

XXXV. That where the Amount required in respect of any such County Rate from any Part of such Parish or Place as last aforesaid shall, in the Judgment of such Overseers, be so small as to render the levying and collecting of a separate Rate for it inconvenient, the Overseers may postpone the Reimbursement of themselves for any such Advance as aforesaid, and they or their Successors may afterwards, on the Recurrence of the next Precept or other lawful Demand, or of that next but One, levy and collect such a Rate as aforesaid to raise the whole Amount so previously advanced and unsatisfied out of the Poor Rates of the Parish, as well as the Amount required by the then Precept or Demand, and shall apply the Sum so collected in Reimbursement of the previous Payments, and the Satisfaction of such Precept or Demand, and shall apply the Balance, if any, towards the Discharge of the next Precept or Demand.

Where the Amount required for the County or other Rate is small, the making of the Rate for Reimbursement may be postponed.

XXXVI. Provided always, That in any County in which the Office of High Constable of any Hundred shall be held for Life, or during good Behaviour, the Collection of the County Rate shall continue to be collected by means of such High Constable, until any Vacancy occurs in the Office by the Expiration of his Appointment, or otherwise; and the Precepts herein-before provided for the Collection of such Rate shall, as to the Districts within which such High Constable shall act, be directed to such High Constable, ordering and requiring him to issue his Warrants to the respective Overseers of the Poor within his Division, to levy, collect, and pay to the said High Constable, within the Time to be named and limited in the Warrant to be issued from the Sessions as aforesaid, all such Rate or Rates, Assessment or Assessments so ordered to be paid, which each High Constable shall and he is hereby directed and required to pay, at such Time as shall be specified in such Warrant, to the Treasurer of the County for the Time being, to be applied and disposed of in such Manner and for such Purposes as the County Stock or Rate is now applicable or may hereafter be made applicable by Law; and in case any Overseer or Overseers of the Poor, or other Person appointed to act as such, under the Provisions of this Act, in any of the several Parishes, Townships, or Places, whether parochial or otherwise, within the Hundred or Division for which the said High Constable shall act, liable to pay the same, shall neglect, make default, or refuse to pay the same, within the Time to be specified and limited as aforesaid, to the High Constable of the Division within which such Overseer or Overseers or other Person or Persons so liable and neglecting to pay shall reside or be appointed to act, it shall and may be lawful for any Justice of the Peace of the said County, upon Complaint thereof made by any such High Constable, by Warrant under the Hand and Seal of any such Justice, to levy the same by Distress and Sale of the Offender's Goods; and the Overseer or Overseers of any Parish, Township, or Place, whether parochial or otherwise, or other Person or Persons appointed to act as such Overseer or Overseers, shall and may and is and are hereby empowered to levy and raise, by an equal Rate or Assessment upon all and every the several

Mode of Collection where the Office of High Constable has not become vacant.

several Estate and Property rateable to the Relief of the Poor within their respective Parishes, Townships, or Places, whether parochial or otherwise, such Sum and Sums of Money as shall be required and necessary in order to raise the several Sums assessed upon such Parishes, Townships, or Places respectively, or to reimburse such Overseer or Overseers or other Person or Persons as aforesaid such Sum or Sums of Money as they shall respectively have paid on account of the same, such Rate or Assessment to be paid by the Occupier or Occupiers for the Time being of such Estates and rateable Property as aforesaid.

High Constable  
to give Security.

XXXVII. That the Justices of the Peace of the said several Counties are hereby authorized and empowered to demand and take, whenever they shall think fit, good and sufficient Security, to be approved of by the said Justices in General or Quarter Sessions assembled, from the High Constables employed in the Collection and levying the Rates; and that if any such High Constable, upon being so called upon by the said Justices, shall neglect or refuse to give such Security as shall be approved by them, it shall then be lawful for the said Justices of the Peace in General or Quarter Sessions assembled to order and direct the Churchwardens and Overseers of the Poor, or other Persons appointed to collect and levy the Rates of any Parish, Township, or Place, to pay the Quota which shall be assessed thereupon toward the County Rate to the Treasurer of the County, Division, or Place in which such Parish, Township, or Place shall be situate; and the Receipt of such Treasurer shall be a sufficient Discharge for the same.

Mode of enforcing  
Repayment  
by Borough  
Treasurers of  
Money expended  
by Counties  
out of the  
County Rates  
as provided by  
5 & 6 W. 4. c. 76.  
ss. 114. & 117.

XXXVIII. 'Whereas by an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, it is thereby enacted, that the Treasurer of every County in *England* and *Wales* should keep an Account of all Costs arising out of the Prosecution, Maintenance, and Punishment, Conveyance and Transport of all Offenders committed for Trial to the Assizes in such County from any Borough in which a separate Court of Quarter Sessions of the Peace should be holden, and likewise of all Sums received in aid or on account of the County Rate, and expended out of the County Rate for other Purposes than the Costs before mentioned, and should, not more than Twice in every Year, send a Copy of the said Accounts to the Council of every such Borough, and should make Orders on the Council of every such Borough for the Payment of the Sums chargeable upon the same, and the Council of such Borough should forthwith order the same, with all reasonable Charges of making and sending the said Account, to be paid to the Treasurer of such County out of the Borough Fund: And whereas it is expedient to provide, as near as may be, one uniform Remedy to recover County Rates, and the Orders of the County Treasurer upon the Councils of Boroughs from the Guardians or Overseers and Councils of Boroughs respectively, when the same are not paid within a Time limited: Be it therefore enacted, That it shall and may be lawful for any Two Justices of the Peace for the County, upon the Complaint or Information of the

Treasurer

Treasurer of the same County, to be made or taken One Calendar Month after the Issue of any Order or Orders upon the Council of any Borough by the same County Treasurer, to cause to be issued and sent to the Treasurer of any such Borough a Warrant ordering such Borough Treasurer to pay to the Treasurer of the same County, over and besides the Sum or Sums mentioned in the first-named Order or Orders, the additional Sums named in such Warrant, the same being calculated in the Proportion of One Shilling to every Ten on the respective Sums named in the said original Order or Orders; and until Payment thereof the County Treasurer shall have, in respect of such Warrants, all the Powers for the Recovery thereof, as are given against any Guardian or Overseer for the Recovery of County Rates and Surcharges under and by virtue of this Act: Provided always, that nothing in this Act contained shall extend to render any such Borough, or any Property situated therein, liable to be assessed or to contribute to County Rate, save as in the said recited Act is mentioned and contained, and as herein-before expressly provided.

XXXIX. Whenever Precepts or Warrants, as provided by this Act, are to be sent by Post, the Clerk of the Peace shall send every such Precept or Warrant by Post as a registered Letter, according to the Regulations of the Postmaster General in force for the Time being in that Behalf; and every Precept or Warrant delivered or tendered as a registered Letter at the Address of the Person to whom it is addressed, whether a Receipt be given for the same or not, shall be deemed to have been served on the Person to whom the same was so delivered or tendered; and if delivered or tendered to the Clerk or other like Officer acting for any Guardians, shall be deemed to have been served on the whole of such Guardians; and if delivered or tendered to any One Overseer of a Parish, shall be deemed to have been served on the whole of the Overseers of such Parish.

XL. The Justices of the Peace of Counties, and Ridings and Divisions and Parts of Counties, and other Places of distinct and separate Jurisdiction, in that Part of *Great Britain* called *England*, assembled at their several and respective General or Quarter Sessions of the Peace, or at any Adjournment thereof, shall be and they are hereby authorized and required, in any Case in which any Question or Doubt does or shall exist or shall have arisen, or may in the Judgment of the said Justices be likely to arise, as concerning any Boundary between any Counties, Ridings, Divisions, or Parts of any County, or other Places of distinct and separate Jurisdiction for which they respectively act as such Justices, to nominate and appoint Two Justices of the Peace of each such County, Riding, Division, or Parts of any County, or other Places of distinct and separate Jurisdiction between which the Boundary is required to be ascertained, for the Purpose of fixing and determining such Boundary, and the Clerks of the Peace, Town Clerks, and other proper Officer of the several and respective General or Quarter Sessions of the Peace at which such Justices shall be appointed, shall forthwith give Notice to each other and to such Justices of such Appointment, and the Justices so appointed shall in every such Case, as soon as may be after their Appointment, meet and proceed to ascertain the Boundary upon such Evidence

Delivery of  
Precepts, &c.  
by Post, and  
Evidence  
thereof.

Justices in General or Quarter Sessions to appoint Justices to fix and determine Boundaries between Counties, Ridings, Divisions, or Parts of Counties, and other Places of distinct and separate Jurisdiction.

Evidence as can be obtained by them, or as they shall deem necessary for that Purpose, either by Examination of Witnesses upon Oath (which Oath any One of the said Justices is hereby empowered to administer), or of any Maps, Plans, Surveys, or any other Records, or Documents, or in such other Manner as they the said Justices so appointed shall think requisite, and it shall be lawful for such Justices, or for any Person authorized under the Hand of any Three or more of such Justices, to enter upon any Lands, Grounds, or Promises, for the Purpose of examining the same, or making any Measurement, Maps, or Plans thereof, for the Purposes aforesaid; and it shall be lawful for the said Justices to summon any Witnesses to be examined in that Behalf, and to impose any Penalty or Forfeiture not exceeding Ten Pounds upon any Witness who shall, without reasonable Excuse, refuse or neglect to attend to be examined upon any such Summons; and such Justices shall thereupon fix, ascertain, and determine the Boundary so referred to them to be ascertained, and shall cause the Boundary so fixed and determined to be laid down on Two Maps or Plans, to be signed by the said Justices so appointed as aforesaid, which shall be deposited with the Clerks of the Peace, Town Clerks, or other proper Officer for the Counties, Ridings, Divisions, or Parts of Counties, or other Places of distinct and separate Jurisdiction between which such Boundary shall be so fixed and determined, and which Maps and Plans shall be kept amongst the Records of their respective Sessions, and shall be received as Evidence of such Boundaries; and such Boundaries so fixed and determined shall be and be deemed the Boundaries between the respective Counties, Ridings, Divisions, or Parts of Counties, or other Places of distinct and separate Jurisdiction, for which the same shall have been so ascertained, for all the Purposes of this Act, and the carrying the Provisions thereof into execution, anything contained in any other Act or Acts of Parliament relating to such Counties, Ridings, Divisions, or Parts of such Counties, or other Places of distinct and separate Jurisdiction, or any Law, Usage, or Custom to the contrary notwithstanding.

Appointment of  
new Justices.

XXI. If any of the Four Justices so appointed as aforesaid, or who shall be appointed in manner herein-after mentioned, shall, before the Execution of all the Powers and Authorities hereby in them respectively vested, die, decline, or refuse to act, or become incapable of acting, the Justices of the Peace of Counties, Ridings, Divisions, and Parts of Counties, and other Places of distinct and separate Jurisdiction, assembled at their several and respective General or Quarter Sessions of the Peace or at any Adjournment thereof from which such Justice so appointed or to be appointed shall die, decline, refuse to act, or become incapable of acting, shall and they are hereby authorized and required to appoint another Justice in the Room of him so dying, declining, refusing to act, or becoming incapable of acting as aforesaid, and so from Time to Time as often as any Justice so to be appointed as last aforesaid shall die, decline, or refuse to act, or become incapable of acting; and every Justice to be appointed as aforesaid shall have the like Power and Authority as the Justice in whose Place he shall be appointed was invested with by virtue of this Act; and that Notice shall be given by the Clerks of the Peace,

Peace, Town Clerks, or other proper Officer to such Justice of his Appointment, in manner herein-before directed.

**XLII.** If it shall happen that the Justices so appointed to fix, ascertain, and determine the Boundaries as aforesaid shall disagree in Opinion touching the Boundary between any County, Riding, Division, or Parts of any County, or other Place of distinct and separate Jurisdiction, so referred to them under and by virtue of this or the said recited Act, and there shall be an Equality of Votes, so that the said Justices cannot make any Determination thereon, then and in such Case the said Justices, or the major Part of them, shall forthwith appoint under their Hands such Person as they may think proper to act as Referee, which Person so appointed as Referee shall, within Twenty-one Days from the Receipt of such Appointment, fix a Time and Place to meet such Justices; and at such Meeting the said Person so to be appointed as Referee as aforesaid shall, together with the said Justices to whom any Boundary shall be referred to be ascertained as aforesaid, proceed to fix, ascertain, and determine the Boundary about which such Disagreement shall take place amongst them the said Justices, in such and the same Manner and with such and the like Powers in all respects as herein-before expressed, and that the Determination and Decision of the said Justices, and of the Person whom they shall appoint as Referee as aforesaid, or of the major Part of them, shall be for ever binding and conclusive; and that the said Justices, and the Person whom they shall appoint as Referee as aforesaid, or the major Part of them, shall cause the Boundary so fixed and determined to be laid down on Two Maps or Plans, to be signed by the said Justices and the Person so appointed as Referee as aforesaid, or by the major Part of them, which shall be deposited with the Clerks of the Peace, Town Clerks, or other proper Officer as herein-before directed, and kept amongst the Records of their respective Sessions, and shall be received as Evidence of such Boundaries; and such Boundaries so fixed and determined shall be and be deemed the Boundaries between the respective Counties, Ridings, Divisions, or Parts of Counties, or other Places of distinct and separate Jurisdiction for which the same shall have been so ascertained, for all the Purposes of this and of the said recited Act, and the carrying the Provisions thereof respectively into execution, anything contained in any other Act or Acts of Parliament relating to such Counties, Ridings, Divisions, or Parts of such Counties, or other Places of distinct and separate Jurisdiction, or any Law, Usage, or Custom, to the contrary notwithstanding.

In case of Difference between Justices, a Referee to be appointed to meet them, and determine Boundary.

**XLIII.** Nothing in this Act contained, nor any Proceedings under the same, shall extend or be construed to extend to determine any Question of Boundary for any Purpose except for the Purpose of assessing, collecting, and levying Rates according to the Provisions of this Act and of the said recited Act.

Not to determine Boundary Question, except for rating.

**XLIV.** No Action or Suit shall be brought, commenced, or prosecuted against any Person or Persons for anything done or to be done by virtue of or in pursuance of this Act after Three Calendar Months next after the Fact committed; and every such Action shall be brought and laid in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants

Limitation of Actions.

Defendants in every such Action or Suit shall and may plead, at his, her, or their Election, this Act specially, or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance or by the Authority of this Act.

Penalty on  
Persons ob-  
structing Over-  
seers, &c.

**XLV.** Every Person who in any Manner wilfully resists or obstructs any Overseer, Collector, Surveyor, or other Person in the Execution of his or their Duty under this Act shall forfeit and pay any Sum not exceeding Five Pounds, to be prosecuted and recovered before any Two or more of Her Majesty's Justices of the Peace for the County wherein the Offence is committed.

Penalties and  
Forfeitures,  
Costs and  
Charges, may  
be levied by  
Distress and  
Sale of Offend-  
er's Goods.

**XLVI.** All Penalties and Forfeitures by this Act authorized to be imposed for any Offence against the same shall, upon Proof and Conviction of the Offences respectively before any Two Justices, as herein-before directed, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses (which Oath such Justices are hereby authorized to administer), be levied, together with the Costs attending the Information, Summons, and Conviction, by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hands of the Justices before whom the Party may have been convicted, or, on Proof of such Conviction, by a Warrant under the Hands of any Two Justices (which Warrant such Justices are hereby empowered and required to grant); and the Overplus (if any), after such Penalties and Forfeitures, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner of such Goods and Chattels; and if upon the Return of such Warrant it appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justices as aforesaid, by Warrant under their Hands, to cause such Offender to be committed to the Common Gaol or House of Correction of the County where the Offender may be or reside, there to remain without Bail or Mainprise for any Term not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the same, be sooner paid and satisfied; and the said Penalties and Forfeitures, when recovered, shall be paid to the Treasurer of the County in which such Offence may have been committed or Forfeiture incurred, to be applied in aid of the Rates of the said County.

Committal.

Application of  
Penalties.

Counties where  
Rates have  
been regulated  
by particular  
Acts authorized  
to make use of  
the Provisions  
of this Act.

**XLVII.** ' And whereas several Acts have passed and are now in force empowering the Justices of the Peace of certain Counties to make fair and equal County Rates within their respective Counties: Be it hereby enacted, That it shall and may be lawful to and for the said Justices respectively, and they are hereby empowered, at any Time and at all Times after the passing of this Act, to proceed in the assessing, levying, and collecting and enforcing the Payment of the County Rate, and in all Matters relating to the equalizing the same, either under the Authority and according to the Provisions and Enactments of this Act, or under the Authority and according to the Provisions and Enactments of the particular Acts affecting their respective Counties, as to them shall seem fit and proper, in all Cases in which the Provisions and Enactments of this Act are not inconsistent with the Provisions and Enactments of such particular Acts.

**XLVIII.** That

**XLVIII.** That from and after the passing of this Act all Business appertaining to the Assessment, Application, or Management of the County Stock or Rate, or of any Fund or Funds used or applied in aid thereof or contributory thereto, or to any Matter or Things whereby or in respect whereof the said County Stock or Rate is or may be chargeable by Law, which by any Statute or Statutes now in force the Justices of the Peace for that Part of *Great Britain* called *England* are authorized and directed to do and transact at the General or Quarter Sessions, or at any Adjournment thereof, shall be done and transacted publicly and in open Court at such General or Quarter Sessions, or Adjournment thereof, and not otherwise; and that no Order of such Justices relating to the Matters aforesaid shall be binding or effectual unless the said Order shall have been made and the Business relating thereto shall have been done and transacted publicly and in open Court as aforesaid.

All Business relating to the Assessment and Application of County Rate shall be transacted in open Court.

**XLIX.** That public Notice shall be given, in Two Newspapers generally circulating in the County, of the Time of holding the General or Quarter Sessions, or any Adjournment thereof, at least Two Weeks before the Time of holding the same, and also of the Day and Hour at which the Business relating to the Assessment, Application, or Management of the County Stock or Rate will commence at such Sessions.

Notice thereof to be given.

**L.** That the several Treasurers of Counties or of Divisions of Counties shall and they are hereby required, on or before the First Day of *January* in every Year, to send to the several Clerks of the Guardians of every Union of Parishes within the County or Division of the County, and also to publish, in One or more of the Newspapers usually circulating in the County or Division of the County in which they respectively act, a true and accurate Abstract of the Account of their Receipts and Expenditures, under their several Heads, for the Year ending on the Twentieth Day of *September* immediately preceding the Publication of such Abstract, signed by the Justices of the Peace who shall have audited the same; and the Abstracts of such Accounts, made out according to a Form to be settled by One of Her Majesty's Principal Secretaries of State, shall, after they have been submitted to and approved by the several Courts of Quarter Sessions respectively, be transmitted by the Clerks of the Peace of the respective Counties or Divisions of Counties to such Secretary of State; and a Copy of every such Abstract shall be laid before both Houses of Parliament within Six Weeks after the Receipts of the same by such Secretary of State, if Parliament be then sitting, or if Parliament be not sitting, then within Six Weeks of the Meeting thereof.

Treasurers of Counties or of Divisions of Counties to publish once in every Year an abstract Account of their Receipts and Expenditures.

**LI.** In the Construction of this Act the Word "County" shall mean and include any Riding or Division having a separate Commission of the Peace, or separate County Treasurer, and any Liberty, Franchise, or other Place in which Rates in the Nature of County Rates may be levied, having a separate Commission of the Peace, and not subject to the Jurisdiction of the County or Counties at large in which such Liberty, Franchise, or Place may lie, nor contributing or paying to the County Rates made for such County or Counties at large; and that the Words "County Rate" shall mean and include every Rate or Tax assessed in any County

The Act extended to all Places having separate Commission of the Peace, and to all Rates of the Nature of County Rates.



or any Division of a County as aforesaid for all or any of the Purposes to which County Rate or Stock is or may hereafter be made liable.

Construction of  
the Words  
"Parish,"  
"Union,"  
"Guardians."

LII. The Word "Parish" shall be construed to include any Township, Vill, or Place maintaining its own Poor, whether parochial or extra-parochial, or any Part of a Parish, Township, Vill, or other Place for which a separate Poor Rate may be made; the Word "Union" shall be construed to mean and include any Number of Parishes united under the Act passed in the Fifth Year of the Reign of His late Majesty King *William* the Fourth, "for the Amendment and better Administration of the Laws relating to the Poor in *England*," or under an Act passed in the Twenty-second Year of the Reign of His late Majesty King *George* the Third, "for the better Relief and Employment of the Poor," or under any Local Act; and the Word "Guardians" shall mean and include any Board of Guardians acting under the Provisions of the said Act passed in the Fifth Year of His late Majesty King *William* the Fourth, and empowered to relieve the Poor of any Parish or Union, and the Visitors, Guardians, Directors, Managers, Acting Guardians, Vestrymen, or other Officers in a Union appointed to act in the ordering of Relief of the Poor from the Poor Rate under any General or Local Act of Parliament; and the Word "Hundred" shall mean and include any Hundred, Wapentake, Ward, or other District in the Nature of a Hundred, by whatever Name denominated.

### SCHEDULE to which this Act refers.

#### *Form of Precept.*

County of                    } To the Guardians of the                    Union.  
to wit.

THESE are to require you, the Guardians of the Union, from and out of the Monies paid into the Hands of the Treasurer of your Union for the Uses and Purposes of the said Union, to pay or cause to be paid, on or before the Day of                    into the Hands of *A.B.*, Treasurer of the said County, appointed to receive the same, the Sum of                    being the Amount of the several and respective Sums of Money hereunder set down and expressed opposite to and against the Names of the several Parishes, Townships, or Places comprised within your said Union, the said several Sums being respectively charged and assessed thereon as the Proportion of the several Parishes, Townships, or Places towards the general County Rate, at                    in the Pound, made at the last Quarter Sessions [or General Sessions] of the Peace held at                    in and for the said County.

[*Signature of the Clerk of the Peace.*]

Names of Parishes.	County Rate, at in the Pound.
	£   s.   d.

## C A P. LXXXII.

An Act to apply a Sum out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and fifty-two; and to appropriate the Supplies granted in this Session of Parliament.

[1st July 1852.]

- § I. There shall be applied, for the Service of the Year 1852, £11,832,225 7s. 2d. out of the Consolidated Fund.
- II. The Treasury may cause £11,832,225 7s. 2d. of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.
- III. The Clauses, &c. in recited Acts extended to this Act.
- IV. Interest on Exchequer Bills.
- V. Bank of *England* may advance £11,832,225 7s. 2d. on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.
- VI. Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances.
- VII. Monies raised by Bills to be applied to the Services voted by the Commons.
- VIII. Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.
- IX. Treasury may issue £1,015,625 12s. 10d. Surplus of Ways and Means, and Monies in the Exchequer, for Service of 1852.
- X. Monies coming into the Exchequer by 15 & 16 Vict. c. 1.—£17,742,800 by Exchequer Bills, 15 & 16 Vict. c. 10.—and £11,832,225 7s. 2d., £1,015,625 12s. 10d., and £500,000 by this Act granted, to be applied as hereafter expressed.
- XI. There shall be issued,
- |             |   |   |                          |   |
|-------------|---|---|--------------------------|---|
| £ 6,492,646 | 0 | 0 | For Naval Services; viz. |   |
| 1,469,054   | 0 | 0 | For Wages to 39,000 Sea- |   |
|             |   |   | men and Marines          | - |
| 506,578     | 0 | 0 | For Victuals, &c. in the |   |
|             |   |   | Navy                     | - |
| 134,633     | 0 | 0 | For Salaries, &c. of the |   |
|             |   |   | Admiralty Office         | - |
| 50,353      | 0 | 0 | For the Navy Scientific  |   |
|             |   |   | Departments              | - |
| 132,647     | 0 | 0 | For Naval Establishments |   |
|             |   |   | at home                  | - |
| 23,263      | 0 | 0 | For Naval Establishments |   |
|             |   |   | abroad                   | - |
| 666,929     | 0 | 0 | For Wages of Artificers, |   |
|             |   |   | &c. at home              | - |
| 35,331      | 0 | 0 | For Wages of Artificers, |   |
|             |   |   | &c. abroad               | - |
| 782,495     | 0 | 0 | For Naval Stores, &c.    | - |
| 265,140     | 0 | 0 | For new Works in Naval   |   |
|             |   |   | Establishments           | - |
| 23,000      | 0 | 0 | For Medicines, &c.       | - |
| 50,850      | 0 | 0 | For Naval Miscellaneous  |   |
|             |   |   | Services                 | - |
| 707,520     | 0 | 0 | For Naval Half Pay, &c.  | - |

For the Year ending  
31st March 1853.

C.82.

15° & 16° VICTORIA

For the Year ending  
31st March 1853

£ 490,533	0	0	For Military Pensions
156,562	0	0	For Civil Pensions
127,600	0	0	For Freight of Ships, &c. for Army and Ordnance Services
870,158	0	0	For Packet Service
6,878,288	0	0	For Army Services; viz. For Forces in the United Kingdom and Stations abroad (except the East Indies)
3,602,067	0	0	For General Staff Officers, &c.
169,607	0	0	For Allowances to Officers, &c. of public Military Departments
95,957	0	0	For Royal Military College &c.
17,141	0	0	For Royal Military Asylum, &c.
17,536	0	0	For Volunteer Corps
94,000	0	0	For Rewards for distin- guished Military Ser- vices
15,643	0	0	For Pay of General Officers For Full Pay for Retired Officers
61,000	0	0	For Half Pay for Retired Officers
20,000	0	0	For Half Pay for Officers of disbanded Foreign Corps, &c.
365,000	0	0	For Pensions to Widows - For Compassionate List, &c. For In-Pensioners of Chel- sea and Kilmainham Hos- pitals
36,916	0	0	For Out-Pensioners of Chel- sea Hospital, &c.
1,228,200	0	0	For Superannuations in Military public Depart- ments
57,200	0	0	For Commissariat Depart- ment
47,200	0	0	For Half Pay of Commis- sariat Department
45,200	0	0	For Militia, from 1st April 1852
44,700	0	0	For Ordnance Services; viz. For Pay of Ordnance Mili- tary Corps
44,700	0	0	For Commissariat and Bar- rack Supplies, &c.
44,700	0	0	For Expense of Ordnance Office

From  
1st April 1852  
to  
31st March 1853.

For the Year ending  
31st March 1853.

For the Year ending  
31st March 1853.

	£ 288,313	0	0	For Establishments at home and abroad	} For the Year ending 31st March 1853.
	121,646	0	0	For Wages of Artificers, &c.	
	176,453	0	0	For Ordnance Stores for Land and Sea Service	
	449,028	0	0	For Works and Repairs	
	107,907	0	0	For Scientific Branch	
	172,356	0	0	For Non-effective Services	}
§ XIV.	460,000	0	0	For the <i>Kaffir</i> War.	
XV.	17,742,800	0	0	For paying off Exchequer Bills of 1852.	
	500,000	0	0	For discharging Supplies for 1851 or for any preceding Year.	

CIVIL SERVICES.—*Class 1.*

XVI.	113,476	0	0	For Repair of Royal Palaces, &c.	} To 31st March 1853.
	60,546	0	0	For Repair of Royal Parks, &c.	
	121,249	0	0	For New Houses of Parliament	
	8,320	0	0	For General Repository for Records, for 1852.	
	10,000	0	0	For Comptroller of Stationery Office, for 1852.	
	89,396	0	0	For <i>Holyhead</i> Harbour	}
	170,000	0	0	For Harbours of Refuge	
	1,351	0	0	For <i>Port Patrick</i> Harbour	
	35,865	0	0	For Public Buildings in Department of Public Works in <i>Ireland</i> , &c.	
	11,028	0	0	For <i>Kingstown</i> Harbour	
	100,000	0	0	For Civil Contingencies	

CIVIL SERVICES.—*Class 2.*

XVII.	95,800	0	0	For Salaries, &c. of Houses of Parliament	} To 31st March 1853.
	54,400	0	0	For the Treasury	
	26,550	0	0	For the Home Department	
	67,735	0	0	For the Foreign Department	
	38,815	0	0	For the Colonial Department	
	65,320	0	0	For the Privy Council, Privy Council for Trade, Education Office, &c.	
	2,680	0	0	For Lord Privy Seal	
	23,150	0	0	For Office of Paymaster General	
	6,326	0	0	For Department of Comptroller General of Exchequer	
	22,820	0	0	For Office of Commissioners of Works and Public Buildings	
	20,645	0	0	For Office of Woods, Forests, &c.	

£ 2,761	0	0	For State Paper Office -
3,273	0	0	Part Expenses of Ecclesiastical Commissioners for <i>England</i> -
221,361	0	0	For Administration of Poor Laws -
36,439	0	0	For the Mint -
11,668	0	0	For Public Records, &c. -
15,190	0	0	For Salaries, &c. of Inspectors of Factories, &c. -
1,700	0	0	For Civil Charges, <i>Scotland</i> , &c. -
6,464	0	0	For Officers, &c. of Lord Lieutenant of <i>Ireland</i> -
22,563	0	0	For Salaries of Chief Secretary, &c. <i>Ireland</i> -
6,051	0	0	For Paymaster of Civil Services, <i>Ireland</i> -
32,013	0	0	For Board of Public Works, <i>Ireland</i> -
32,000	0	0	For Foreign and Secret Services -
216,509	0	0	For Stationery, &c. for Public Departments -

## CIVIL SERVICES.—Class 3.

§ XVIII.

21,000	0	0	For Office of Solicitor to the Treasury, including Prosecutions relating to Coin -
17,700	0	0	For Expenses of Sheriffs, Salaries of Officers of the Exchequer, &c. -
8,830	0	0	For Insolvent Debtors Court -
121,165	0	0	For Law Expenses, <i>Scotland</i> -
57,710	0	0	For Criminal Prosecutions and Law Charges, <i>Ireland</i> -
36,500	0	0	For Metropolitan Police, <i>Dublin</i> -
240,000	0	0	For Charges formerly paid out of County Rates -
16,196	0	0	For General Superintendence of Prisons, &c. -
261,522	0	0	For Government Prisons, and Convict Establishments at home -
159,123	0	0	For Maintenance of Prisoners and Removal of Convicts -
101,041	0	0	For Transportation of Convicts -
253,587	0	0	For Convict Establishments in the Colonies -

To  
31st March 1853.

## CIVIL SERVICES.—Class 4.

{ XIX.	£160,000	0	0	For Public Education in <i>Great Britain</i> - -	} To 31st March 1853.
	164,577	0	0	For Education, <i>Ireland</i> -	
	17,920	0	0	For Department of Prac- tical Art, &c. - -	
	2,006	0	0	For certain Professors at <i>Oxford and Cambridge</i>	
	3,957	0	0	For <i>London</i> University -	
	7,560	0	0	For Grants to <i>Scottish</i> Universities - -	
	300	0	0	For Royal <i>Hibernian</i> Aca- demy - -	
	300	0	0	For Royal <i>Irish</i> Academy	
	6,340	0	0	For Royal <i>Dublin</i> Society	
	3,000	0	0	For Royal <i>Belfast</i> Aca- demic Institution -	
	1,710	0	0	For <i>Queen's</i> University, <i>Ireland</i> - -	} To 31st March 1853.
	21,350	0	0	For new Buildings, &c. at <i>British Museum</i> - -	
	52,343	0	0	For Salaries, &c. at ditto	
	2,966	0	0	For Antiquities for ditto.	
	2,495	0	0	For National Gallery -	
	14,920	0	0	For Geological Survey, &c.	
	4,018	0	0	For Magnetic Observato- ries, &c. - -	
	5,000	0	0	For National Gallery, <i>Scotland</i> , in 1852.	

## CIVIL SERVICES.—Class 5.

XX.	4,049	0	0	For Civil Establishment of the <i>Bermudas</i> - -	} To 31st March 1853.
	7,747	0	0	For Ecclesiastical Estab- lishment of <i>British</i> <i>North American</i> Pro- vinces - -	
	12,424	0	0	For <i>Indian</i> Department in <i>Canada</i> - -	
	19,528	0	0	For Salaries of Governors, &c. of <i>West India</i> Colo- nies and <i>Prince Edward's</i> <i>Island</i> - -	
	33,862	0	0	For Salaries, &c. of Stipen- diary Justices in <i>West</i> <i>India</i> Colonies and the <i>Mauritius</i> - -	
	18,780	0	0	For Civil Establishments on the <i>Western Coast</i> of <i>Africa</i> , &c. - -	
	10,802	0	0	For <i>St. Helena</i> - -	
	7,059	0	0	For <i>Western Australia</i> -	
	491	0	0	For <i>Port Essington</i> , in 1852.	

£ 10,000	0	0	For <i>New Zealand</i> -	-
986	0	0	For <i>Heligoland</i> -	-
9,474	0	0	For <i>Falkland Islands</i> -	-
14,083	0	0	For Colonial Land and Emigration Board, &c. -	-
30,000	0	0	For Support of captured Negroes, &c. -	-
11,250	0	0	For Commissions for sup- pressing the Slave Trade	-
150,983	0	0	For the Consular Establish- ments abroad -	-
16,800	0	0	For Missions abroad -	-
12,000	0	0	For <i>British Settlement at Hong Kong</i> -	-
4,000	0	0	For <i>Labuan</i> -	-

To  
31st March 1853.

CIVIL SERVICES.—Class 6.

§ XXI.	135,359	0	0	For Superannuations, &c. to Public Officers -	-
	3,219	0	0	For <i>Toulonese</i> and <i>Corsi- can</i> Emigrants, &c. -	-
	2,000	0	0	For National Vaccine Institution, in 1852.	-
	325	0	0	For Refuge for Destitute in 1852.	-
	4,300	0	0	For <i>Polish</i> Refugees, &c. -	-
	4,469	0	0	To pay Miscellaneous Al- lowances -	-
	1,691	0	0	For Foundling Hospital Department, House of Industry, <i>Dublin</i> -	-
	9,788	0	0	For House of Industry, <i>Dublin</i> -	-
	600	0	0	For Female Orphan House, <i>Dublin</i> -	-
	1,500	0	0	For <i>Westmoreland</i> Lock Hospital, <i>Dublin</i> -	-
	600	0	0	For Lying-in Hospital, <i>Dublin</i> -	-
	1,050	0	0	For Dr. <i>Stevens'</i> Hospital, <i>Dublin</i> -	-
	2,660	0	0	For House of Recovery, &c., <i>Dublin</i> -	-
	350	0	0	For Hospital for Incur- ables, <i>Dublin</i> -	-
	38,560	0	0	For Protestant Dissenting Ministers, <i>Ireland</i> -	-
	6,552	0	0	For Charitable Allowances, &c., <i>Ireland</i> -	-

To  
31st March 1853.

CIVIL SERVICES.—Class 7.

XXII.	10,745	0	0	For General Board of Health -	-
	11,730	0	0	For Incumbered Estates Commission, <i>Ireland</i> -	-
	7,760	0	0	For Lighthouses abroad, in 1852.	-

£ 40,200	0	0	For taking the Census.
783	0	0	For <i>British</i> Ambassador's House at <i>Madrid</i> , to 31st <i>March</i> 1853.
1,595	0	0	For Earl of <i>Shaftesbury</i> 's Pension.
4,000	0	0	For <i>Menai Straits</i> .

§ XXIII. Supplies to be applied only for the Purposes aforesaid.

XXIV. Expenditure for Navy, Army, and Ordnance Services respectively to be confined to the separate Services for which granted. Treasury may, on Application, alter the proportionate Amounts for such separate Services, provided the total Grant to each Department be not exceeded.

XXV. Rules to be observed in the Application of the Sum appropriated to Half Pay. Not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, &c. Paymaster General, by Permission of the Treasury, may issue Half Pay to Officers appointed to Civil Offices since *July* 1828. An Account of the Number of Officers so receiving Half Pay to be laid before Parliament annually.

XXVI. Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.

XXVII. Persons concerned in issuing, paying, and receiving Money for Payment of Half Pay, without the requisite Oaths, indemnified. 14 & 15 *Vict. c. 101*.

XXVIII. Half Pay allowed to Officers of the *Manx* Fencibles.

XXIX. Half Pay Allowances to Chaplains of Regiments not holding Ecclesiastical Benefices derived from the Crown.

XXX. Surplus of Sum by 14 & 15 *Vict. c. 101*. appropriated to Half Pay Officers to be disposed of as Her Majesty shall direct.

XXXI. Widows, &c. claiming Pensions to make required Declaration.

XXXII. Declarations to be made as specified in 5 & 6 *W. 4. c. 62*.

### C A P. LXXXIII.

An Act for amending the Law for granting Patents for Inventions. [1st *July* 1852.]

‘WHEREAS it is expedient to amend the Law concerning Letters Patent for Inventions:’ Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I. The Lord Chancellor, the Master of the Rolls, Her Majesty's Attorney General for *England*, Her Majesty's Solicitor General for *England*, the Lord Advocate, Her Majesty's Solicitor General for *Scotland*, Her Majesty's Attorney General for *Ireland*, and Her Majesty's Solicitor General for *Ireland*, for the Time being respectively, together with such other Person or Persons as may be from Time to Time appointed by Her Majesty, as herein-after mentioned, shall be Commissioners of Patents for Inventions ; and it shall be lawful for Her Majesty from Time to Time, by Warrant under Her Royal Sign Manual, to appoint such other Person or Persons as She may think fit to be a Commissioner or Commissioners as aforesaid ; and every Person so appointed shall continue such Commissioner during Her Majesty's Pleasure ; and all

Certain Persons constituted Commissioners of Patents for Inventions, Three of whom may act, the Chancellor or Master of the Rolls being One.



dated by Protection obtained in fraud of the First Inventor.

Commissioners to cause Protections to be advertised

Application for Letters Patent to be advertised, and also Oppositions to the same.

Specification and Objections to be referred to Law Officer.

Power to Law Officer to order by or to whom Costs shall be paid.

Power to Law Officer to cause a Warrant to be made for sealing of Letters Patent.

of the Deposit of a Complete Specification as aforesaid in fraud of the true and First Inventor, any Letters Patent granted to the true and First Inventor of such Invention shall not be invalidated by reason of such Application, or of such provisional or other Protection as aforesaid, or of any Use or Publication of the Invention subsequent to such Application, and before the Expiration of the Term of such provisional or other Protection.

XI. Where any Invention is provisionally protected under this Act, or protected by reason of the Deposit of such Complete Specification as aforesaid, the Commissioners shall cause such Provisional Protection or such other Protection as aforesaid to be advertised in such Manner as they may see fit.

XII. The Applicant for Letters Patent, so soon as he may think fit after the Invention shall have been provisionally protected under this Act, or where a Complete Specification has been deposited with his Petition and Declaration, then so soon as he may think fit after such Deposit, may give Notice at the Office of the Commissioners of his Intention of proceeding with his Application for Letters Patent for the said Invention, and thereupon the said Commissioners shall cause his said Application to be advertised in such Manner as they may see fit; and any Persons having an Interest in opposing the Grant of Letters Patent for the said Invention shall be at liberty to leave Particulars in Writing of their Objections to the said Application at such Place and within such Time and subject to such Regulations as the Commissioners may direct.

XIII. So soon as the Time for the Delivery of such Objections shall have expired, the Provisional Specification or Complete Specification (as the Case may be) and Particulars of Objection (if any) shall be referred to the Law Officer to whom the Application has been referred.

XIV. It shall be lawful for the Law Officer to whom any Application for such Letters Patent is referred, if he see fit, by Certificate under his Hand, to order by or to whom the Costs of any Hearing or Inquiry upon any Objection, or otherwise in relation to the Grant of such Letters Patent, or in relation to the Provisional (or other) Protection acquired by the Applicant under this Act, shall be paid, and in what Manner and by whom such Costs are to be ascertained; and if any Costs so ordered to be paid be not paid within Four Days after the Amount thereof shall be so ascertained, it shall be lawful for such Law Officer to make an Order for the Payment of the same, and every such Order may be made a Rule of One of Her Majesty's Superior Courts at *Westminster* or *Dublin*, and may be recorded in the Books of Council and Session in *Scotland*, to the Effect that Execution may pass thereupon in common Form.

XV. It shall be lawful for such Law Officer, after such Hearing, if any, as he may think fit, to cause a Warrant to be made for the sealing of Letters Patent for the said Invention, and such Warrant shall be sealed with the Seal of the Commissioners, and shall set forth the Tenor and Effect of the Letters Patent thereby authorized to be granted, and such Law Officer shall direct the Insertion in such Letters Patent of all such Restrictions, Conditions, and Provisoos as he may deem usual and expedient in such Grants,

or necessary in pursuance of the Provisions of this Act; and the said Warrant shall be the Warrant for the making and sealing of Letters Patent under this Act according to the Tenor of the said Warrant: Provided always, that the Lord Chancellor shall and may have and exercise such Powers, Authority, and Discretion in respect to the said Warrant, and the Letters Patent therein directed to be made under this Act, as he now has and might now exercise with respect to the Warrant for the Issue under the Great Seal of Letters Patent for any Invention, and with respect to the making and issuing of such Letters Patent; and the Writ of Scire facias shall lie for the Repeal of any Letters Patent issued under this Act, in the like Cases as the same would lie for the Repeal of Letters Patent which may now be issued under the Great Seal.

XVI. Provided also, That nothing herein contained shall extend to abridge or affect the Prerogative of the Crown in relation to the granting or withholding the Grant of any Letters Patent; and it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, to direct such Law Officer to withhold such Warrant as aforesaid, or that any Letters Patent for the issuing whereof he may have issued a Warrant as aforesaid shall not issue, or to direct the Insertion in any Letters Patent to be issued in manner herein provided of any Restrictions, Conditions, or Provisoes which Her Majesty may think fit in addition to or in substitution for any Restrictions, Conditions, or Provisoes which would otherwise be inserted therein under this Act; and it shall also be lawful for Her Majesty, by like Warrant, to direct any Complete Specification which may have been filed under the Provision herein-before contained, and in respect of the Invention described in which no Letters Patent may have been granted, to be cancelled, and thereupon the Protection obtained by the filing of such Complete Specification shall cease.

XVII. All Letters Patent for Inventions granted under the Provisions herein-before contained shall be made subject to the Condition that the same shall be void, and that the Powers and Privileges thereby granted shall cease and determine, at the Expiration of Three Years and Seven Years respectively from the Date thereof, unless there be paid, before the Expiration of the said Three and Seven Years respectively, the Sum or Sums of Money and Stamp Duties in the Schedule to this Act annexed; and the Payment of the said Sums of Money and Stamp Duties respectively shall be endorsed on the Warrant for the said Letters Patent; and such Officer of the Commissioners as may be appointed for this Purpose shall issue under the Seal of the Commissioners a Certificate of such Payment, and shall endorse a Receipt for the same on any Letters Patent issued under the Authority of the said Warrant; and such Certificate, duly stamped, shall be Evidence of the Payment of the several Sums respectively.

XVIII. The Commissioners, so soon after the sealing of the said Warrant as required by the Applicant for the Letters Patent, shall cause to be prepared Letters Patent for the Invention, according to the Tenor of the said Warrant, and it shall be lawful for the Lord Chancellor to cause such Letters Patent to be sealed with the Great Seal of the United Kingdom, and such Letters Patent so sealed shall extend to the whole of the United Kingdom of Great Britain

Chancellor to have same Powers in respect to Warrant, &c. as he now has.

Writ of Scire facias.

Nothing to affect the Prerogative of the Crown in granting or withholding Grant of Letters Patent.

Letters Patent to be made subject to Avoidance on Nonfulfilment of certain Conditions.

Letters Patent issued under the Great Seal to be valid for the whole of the United Kingdom, the Channel Islands, and the Isle of Man.

dated by Protection obtained in fraud of the First Inventor.

Commissioners to cause Protections to be advertised

Application for Letters Patent to be advertised, and also Oppositions to the same.

Specification and Objections to be referred to Law Officer.

Power to Law Officer to order by or to whom Costs shall be paid.

Power to Law Officer to cause a Warrant to be made for sealing of Letters Patent.

of the Deposit of a Complete Specification as aforesaid in fraud of the true and First Inventor, any Letters Patent granted to the true and First Inventor of such Invention shall not be invalidated by reason of such Application, or of such provisional or other Protection as aforesaid, or of any Use or Publication of the Invention subsequent to such Application, and before the Expiration of the Term of such provisional or other Protection.

XI. Where any Invention is provisionally protected under this Act, or protected by reason of the Deposit of such Complete Specification as aforesaid, the Commissioners shall cause such Provisional Protection or such other Protection as aforesaid to be advertised in such Manner as they may see fit.

XII. The Applicant for Letters Patent, so soon as he may think fit after the Invention shall have been provisionally protected under this Act, or where a Complete Specification has been deposited with his Petition and Declaration, then so soon as he may think fit after such Deposit, may give Notice at the Office of the Commissioners of his Intention of proceeding with his Application for Letters Patent for the said Invention, and thereupon the said Commissioners shall cause his said Application to be advertised in such Manner as they may see fit; and any Persons having an Interest in opposing the Grant of Letters Patent for the said Invention shall be at liberty to leave Particulars in Writing of their Objections to the said Application at such Place and within such Time and subject to such Regulations as the Commissioners may direct.

XIII. So soon as the Time for the Delivery of such Objections shall have expired, the Provisional Specification or Complete Specification (as the Case may be) and Particulars of Objection (if any) shall be referred to the Law Officer to whom the Application has been referred.

XIV. It shall be lawful for the Law Officer to whom any Application for such Letters Patent is referred, if he see fit, by Certificate under his Hand, to order by or to whom the Costs of any Hearing or Inquiry upon any Objection, or otherwise in relation to the Grant of such Letters Patent, or in relation to the Provisional (or other) Protection acquired by the Applicant under this Act, shall be paid, and in what Manner and by whom such Costs are to be ascertained; and if any Costs so ordered to be paid be not paid within Four Days after the Amount thereof shall be so ascertained, it shall be lawful for such Law Officer to make an Order for the Payment of the same, and every such Order may be made a Rule of One of Her Majesty's Superior Courts at *Westminster* or *Dublin*, and may be recorded in the Books of Council and Session in *Scotland*, to the Effect that Execution may pass thereupon in common Form.

XV. It shall be lawful for such Law Officer, after such Hearing, if any, as he may think fit, to cause a Warrant to be made for the sealing of Letters Patent for the said Invention, and such Warrant shall be sealed with the Seal of the Commissioners, and shall set forth the Tenor and Effect of the Letters Patent thereby authorized to be granted, and such Law Officer shall direct the Insertion in such Letters Patent of all such Restrictions, Conditions, and Provisoos as he may deem usual and expedient in such Grants,

or necessary in pursuance of the Provisions of this Act; and the said Warrant shall be the Warrant for the making and sealing of Letters Patent under this Act according to the Tenor of the said Warrant: Provided always, that the Lord Chancellor shall and may have and exercise such Powers, Authority, and Discretion in respect to the said Warrant, and the Letters Patent therein directed to be made under this Act, as he now has and might now exercise with respect to the Warrant for the Issue under the Great Seal of Letters Patent for any Invention, and with respect to the making and issuing of such Letters Patent; and the Writ of Scire facias shall lie for the Repeal of any Letters Patent issued under this Act, in the like Cases as the same would lie for the Repeal of Letters Patent which may now be issued under the Great Seal.

XVI. Provided also, That nothing herein contained shall extend to abridge or affect the Prerogative of the Crown in relation to the granting or withholding the Grant of any Letters Patent; and it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, to direct such Law Officer to withhold such Warrant as aforesaid, or that any Letters Patent for the issuing whereof he may have issued a Warrant as aforesaid shall not issue, or to direct the Insertion in any Letters Patent to be issued in manner herein provided of any Restrictions, Conditions, or Provisoes which Her Majesty may think fit in addition to or in substitution for any Restrictions, Conditions, or Provisoes which would otherwise be inserted therein under this Act; and it shall also be lawful for Her Majesty, by like Warrant, to direct any Complete Specification which may have been filed under the Provision herein-before contained, and in respect of the Invention described in which no Letters Patent may have been granted, to be cancelled, and thereupon the Protection obtained by the filing of such Complete Specification shall cease.

XVII. All Letters Patent for Inventions granted under the Provisions herein-before contained shall be made subject to the Condition that the same shall be void, and that the Powers and Privileges thereby granted shall cease and determine, at the Expiration of Three Years and Seven Years respectively from the Date thereof, unless there be paid, before the Expiration of the said Three and Seven Years respectively, the Sum or Sums of Money and Stamp Duties in the Schedule to this Act annexed; and the Payment of the said Sums of Money and Stamp Duties respectively shall be endorsed on the Warrant for the said Letters Patent; and such Officer of the Commissioners as may be appointed for this Purpose shall issue under the Seal of the Commissioners a Certificate of such Payment, and shall endorse a Receipt for the same on any Letters Patent issued under the Authority of the said Warrant; and such Certificate, duly stamped, shall be Evidence of the Payment of the several Sums respectively.

XVIII. The Commissioners, so soon after the sealing of the said Warrant as required by the Applicant for the Letters Patent, shall cause to be prepared Letters Patent for the Invention, according to the Tenor of the said Warrant, and it shall be lawful for the Lord Chancellor to cause such Letters Patent to be sealed with the Great Seal of the United Kingdom, and such Letters Patent so sealed shall extend to the whole of the United Kingdom of *Great Britain*

Chancellor to have same Powers in respect to Warrant, &c. as he now has.

Writ of Scire facias.

Nothing to affect the Prerogative of the Crown in granting or withholding Grant of Letters Patent.

Letters Patent to be made subject to Avoidance on Nonfulfilment of certain Conditions.

Letters Patent issued under the Great Seal to be valid for the whole of the United Kingdom, the Channel Islands, and the Isle of "

*Britain and Ireland, the Channel Islands, and the Isle of Man; and in case such Warrant so direct, such Letters Patent shall be made applicable to Her Majesty's Colonies and Plantations abroad, or such of them as may be mentioned in such Warrant; and such Letters Patent shall be valid and effectual as to the whole of such United Kingdom, and the said Islands and Isle, and the said Colonies or Plantations, or such of them as aforesaid, and shall confer the like Powers, Rights, and Privileges as might, in case this Act had not been passed, have been conferred by several Letters Patent of the like Purport and Effect passed under the Great Seal of the United Kingdom, under the Seal appointed to be used instead of the Great Seal of Scotland, and under the Great Seal of Ireland respectively, and made applicable to England, the Dominion of Wales, the Town of Berwick-upon-Tweed, the Channel Islands, and Isle of Man, and the said Colonies and Plantations, or such of them as aforesaid, to Scotland, and to Ireland respectively, save as herein otherwise provided: Provided always, that nothing in this Act contained shall be deemed or taken to give any Effect or Operation to any Letters Patent to be granted under the Authority of this Act in any Colony in which such or the like Letters Patent would be invalid by the Law in force in the same Colony for the Time being: Provided always, that a Transcript of such Letters shall, so soon after the sealing of the same and in such Manner as the Commissioners shall direct, be transmitted to the Director of Chancery in Scotland, and be recorded in the Records of Chancery in Scotland, upon Payment of such Fees as the Commissioners shall appoint, in the same Manner and to the same Effect in all respects as Letters Patent passing under the Seal appointed by the Treaty of Union to be used in place of the Great Seal of Scotland have heretofore been recorded, and Extracts from the said Records shall be furnished to all Parties requiring the same, on Payment of such Fees as the Commissioners shall direct, and shall be received in Evidence in all Courts in Scotland to the like Effect as the Letters Patent themselves.*

Nothing to give effect to any Letters Patent granted in any Colony.

Letters Patent not to be issued after 3 Months from Date of Warrant.

XIX. Provided always, That no Letters Patent, save as herein after mentioned in the Case of Letters Patent destroyed or lost, shall issue on any Warrant granted as aforesaid, unless Application be made to seal such Letters Patent within Three Months after the Date of the said Warrant.

No Letters Patent (except in lieu of those lost, &c.) to be issued after Expiration of Protection given by this Act.

XX. Provided also, That no Letters Patent (save Letters Patent issued in lieu of others destroyed or lost) shall be issued or be of any Force or Effect unless the same be granted during the Continuance of the Provisional Protection under this Act, or, where a Complete Specification has been deposited under this Act, then unless such Letters Patent be granted during the Continuance of the Protection conferred under this Act by reason of such Deposit, save that where the Application to seal such Letters Patent has been made during the Continuance of such provisional or other Protection as aforesaid, and the sealing of such Letters Patent has been delayed by reason of a Caveat or an Application to the Lord Chancellor against or in relation to the sealing of such Letters Patent, then such Letters Patent may be sealed at such Time as the Lord Chancellor shall direct.

XXI. Provided

**XXI.** Provided also, That where the Applicant for such Letters Patent dies during the Continuance of the Provisional Protection, or the Protection by reason of the Deposit of a Complete Specification, (as the Case may be,) such Letters Patent may be granted to the Executors or Administrators of such Applicant during the Continuance of such Provisional or other Protection, or at any Time within Three Months after the Death of such Applicant, notwithstanding the Expiration of the Term of such Provisional or other Protection, and the Letters Patent so granted shall be of the like Force and Effect as if they had been granted to such Applicant during the Continuance of such Provisional or other Protection.

Letters Patent may be granted to Personal Representatives of Applicant during Term of Protection, or within 3 Months after Decease.

**XXII.** Provided also, That in case any such Letters Patent shall be destroyed or lost, other Letters Patent of the like Tenor and Effect, and sealed and dated as of the same Day, may, subject to such Regulations as the Commissioners may direct, be issued under the Authority of the Warrant in pursuance of which the original Letters Patent were issued.

If Letters Patent be destroyed or lost, others may be issued.

**XXIII.** It shall be lawful (the Act of the Eighteenth Year of King *Henry* the Sixth, Chapter One, or any other Act, to the contrary notwithstanding,) to cause any Letters Patent to be issued in pursuance of this Act to be sealed and bear Date as of the Day of the Application for the same, and in case of such Letters Patent for any Invention provisionally registered under the "Protection of Inventions Act, 1851," as of the Day of such Provisional Registration, or, where the Law Officer to whom the Application was referred, or the Lord Chancellor, thinks fit and directs, any such Letters Patent as aforesaid may be sealed and bear Date as of the Day of the sealing of such Letters Patent, or of any other Day between the Day of such Application or Provisional Registration and the Day of such sealing.

Letters Patent may be dated as of the Day of the Application.

**XXIV.** Any Letters Patent issued under this Act sealed and bearing Date as of any Day prior to the Day of the actual sealing thereof shall be of the same Force and Validity as if they had been sealed on the Day as of which the same are expressed to be sealed and bear Date: Provided always, that save where such Letters Patent are granted for any Invention, in respect whereof a Complete Specification has been deposited upon the Application for the same under this Act, no Proceeding at Law or in Equity shall be had upon such Letters Patent in respect of any Infringement committed before the same were actually granted.

Letters Patent whereantedated to be of the same Validity as if sealed on the Day of the Date.

**XXV.** Where, upon any Application made after the passing of this Act, Letters Patent are granted in the United Kingdom for or in respect of any Invention first invented in any Foreign Country or by the Subject of any Foreign Power or State, and a Patent or like Privilege for the Monopoly or exclusive Use or Exercise of such Invention in any Foreign Country is there obtained before the Grant of such Letters Patent in the United Kingdom, all Rights and Privileges under such Letters Patent shall (notwithstanding any Term in such Letters Patent limited) cease and be void immediately upon the Expiration or other Determination of the Term during which the Patent or like Privilege obtained in such Foreign Country shall continue in force, or where more than One such Patent or like Privilege is obtained abroad, immediately upon the

Letters Patent obtained in United Kingdom for patented Foreign Inventions not to continue in force after the Expiration of the Foreign Patent.

Expiration

Expiration or Determination of the Term which shall first expire or be determined of such several Patents or like Privileges : Provided always, that no Letters Patent for or in respect of any Invention for which any such Patent or like Privilege as aforesaid shall have been obtained in any Foreign Country, and which shall be granted in the said United Kingdom after the Expiration of the Term for which such Patent or Privilege was granted or was in force, shall be of any Validity.

Letters Patent not to prevent the Use of Inventions in Foreign Ships resorting to British Ports ; except Ships of Foreign States in whose Ports British Ships are prevented from using Foreign Inventions.

XXVI. No Letters Patent for any Invention (granted after the passing of this Act) shall extend to prevent the Use of such Invention in any Foreign Ship or Vessel, or for the Navigation of any Foreign Ship or Vessel, which may be in any Port of Her Majesty's Dominions, or in any of the Waters within the Jurisdiction of any of Her Majesty's Courts, where such Invention is not so used for the Manufacture of any Goods or Commodities to be vended within or exported from Her Majesty's Dominions : Provided always, that this Enactment shall not extend to the Ships or Vessels of any Foreign State of which the Laws authorize Subjects of such Foreign State, having Patents or like Privileges for the exclusive Use or Exercise of Inventions within its Territories, to prevent or interfere with the Use of such Inventions in *British Ships* or Vessels, or in or about the Navigation of *British Ships* or Vessels, while in the Ports of such Foreign State, or in the Waters within the Jurisdiction of its Courts, where such Inventions are not so used for the Manufacture of Goods or Commodities to be vended within or exported from the Territories of such Foreign State.

Specifications to be filed instead of being enrolled.

XXVII. All Letters Patent to be granted under this Act (save only Letters Patent granted after the filing of a Complete Specification) shall require the Specification thereunder to be filed in the High Court of Chancery, instead of requiring the same to be enrolled, and no Enrolment shall be requisite.

Specifications, &c. to be filed in such Office as Lord Chancellor shall direct.

XXVIII. Every Specification to be filed in pursuance of the Condition of any Letters Patent shall be filed in such Office of the Court of Chancery as the Lord Chancellor shall from Time to Time appoint, and every Provisional Specification and Complete Specification left or filed at the Office of the Commissioners on the Application for any Letters Patent shall forthwith after the Grant of the Letters Patent, or if no Letters Patent be granted then immediately on the Expiration of Six Months from the Time of such Application, be transferred to and kept in the said Office appointed for filing Specifications in Chancery ; and in case Reference is made to Drawings in any Specification deposited or filed under this Act, an extra Copy of such Drawings shall be left with such Specification.

As to filing extra Copies of Drawings.

Copies of Specifications to be open to Inspection at Office of Commissioners, and at Edinburgh and Dublin.

XXIX. The Commissioners shall cause true Copies of all Specifications (other than Provisional Specifications), Disclaimers, and Memoranda of Alterations filed under or in pursuance of this Act, and of all Provisional Specifications after the Term of the Provisional Protection of the Invention has expired, to be open to the Inspection of the Public at the Office of the Commissioners, and at an Office in *Edinburgh* and *Dublin* respectively, at all reasonable Times, subject to such Regulations as the Commissioners may direct ; and the Commissioners shall cause a Transcript of the said Letters Patent to be transmitted for Enrolment in the Court of Chancery,

Chancery, *Dublin*, and shall cause the same to be enrolled therein, and the Transcript or Exemplification thenceforward shall have the like Effect to all Intents and Purposes as if the original Letters Patent had been enrolled in the Court of Chancery in *Dublin*, and all Parties shall have all their Remedies by Scire facias or otherwise, as if the Letters Patent had been granted to extend to *Ireland* only.

XXX. The Commissioners shall cause to be printed, published, and sold, at such Prices and in such Manner as they may think fit, all Specifications, Disclaimers, and Memoranda of Alterations deposited or filed under this Act, and such Specifications (not being Provisional Specifications), Disclaimers, and Memoranda respectively shall be so printed and published as soon as conveniently may be after the filing thereof respectively, and all such Provisional Specifications shall be so printed and published as soon as conveniently may be after the Expiration of the Provisional Protection obtained in respect thereof; and it shall be lawful for the Commissioners to present Copies of all such Publications to such public Libraries and Museums as they may think fit, and to allow the Person depositing or filing any such Specification, Disclaimer, or Memorandum of Alteration to have such Number, not exceeding Twenty-five, of the Copies thereof so printed and published, without any Payment for the same, as they may think fit.

XXXI. It shall be lawful for the Lord Chancellor and the Master of the Rolls to direct the Enrolment of Specifications, Disclaimers, and Memoranda of Alterations heretofore or hereafter enrolled or deposited at the *Rolls Chapel* Office, or at the Petty Bag Office, or at the Enrolment Office of the Court of Chancery, or in the Custody of the Master of the Rolls as Keeper of the Public Records, to be transferred to and kept in the Office appointed for filing Specifications in Chancery under this Act.

XXXII. The Commissioners shall cause Indexes to all Specifications, Disclaimers, and Memoranda of Alterations heretofore or to be hereafter enrolled or deposited as last aforesaid to be prepared in such Form as they may think fit, and such Indexes shall be open to the Inspection of the Public at such Place or Places as the Commissioners shall appoint, and subject to the Regulations to be made by the Commissioners, and the Commissioners may cause all or any of such Indexes, Specifications, Disclaimers, and Memoranda of Alterations to be printed, published, and sold in such Manner and at such Prices as the Commissioners may think fit.

XXXIII. Copies, printed by the Printers to the Queen's Majesty, of Specifications, Disclaimers, and Memoranda of Alterations shall be admissible in Evidence, and deemed and taken to be *prima facie* Evidence of the Existence and Contents of the Documents to which they purport to relate in all Courts and in all Proceedings relating to Letters Patent.

XXXIV. There shall be kept at the Office appointed for filing Specifications in Chancery under this Act a Book or Books, to be called "The Register of Patents," wherein shall be entered and recorded in chronological Order all Letters Patent granted under this Act, the Deposit or Filing of Specifications, Disclaimers, and Memoranda of Alterations filed in respect of such Letters Patent, all Amendments in such Letters Patent and Specifications, all

Specifications and other Documents to be printed and published.

As to presenting Copies of Publications to public Libraries, &c.

Enrolments, &c may be removed to the Office for Specifications.

Commissioners to cause Indexes to be made to old Specifications, &c., which may be printed and published.

Specifications, &c. as printed by Queen's Printers to be Evidence.

Register of Patents to be kept.

Confirmations



Confirmations and Extensions of such Letters Patent, the Expiry, Vacating, or Cancelling such Letters Patent, with the Dates thereof respectively, and all other Matters and Things affecting the Validity of such Letters Patent as the Commissioners may direct, and such Register, or a Copy thereof, shall be open at all convenient Times to the Inspection of the Public, subject to such Regulations as the Commissioners may make.

A Register of Proprietors to be kept at the Office for filing Specifications.

XXXV. There shall be kept at the Office appointed for filing Specifications in Chancery under this Act a Book or Books, entitled "The Register of Proprietors," wherein shall be entered, in such Manner as the Commissioners shall direct, the Assignment of any Letters Patent, or of any Share or Interest therein, any Licence under Letters Patent, and the District to which such Licence relates, with the Name or Names of any Person having any Share or Interest in such Letters Patent or Licence, the Date of his or their acquiring such Letters Patent, Share, and Interest, and any other Matter or Thing relating to or affecting the Proprietorship in such Letters Patent or Licence; and a Copy of any Entry in such Book, certified under such Seal as may have been appointed or as may be directed by the Lord Chancellor to be used in the said Office, shall be given to any Person requiring the same, on Payment of the Fees herein-after provided; and such Copies so certified shall be received in Evidence in all Courts and in all Proceedings, and shall be *primâ facie* Proof of the Assignment of such Letters Patent, or Share or Interest therein, or of the Licence or Proprietorship, as therein expressed: Provided always, that until such Entry shall have been made the Grantee or Grantees of the Letters Patent shall be deemed and taken to be the sole and exclusive Proprietor or Proprietors of such Letters Patent, and of all the Licences and Privileges thereby given and granted; that certified Duplicates of all Entries made in the said Register of Proprietors shall forthwith be transmitted to the Office of the Commissioners in *Edinburgh* and *Dublin*, where the same shall also be open to the Inspection of the Public; and any Writ of Scire facias to repeal such Letters Patent may be issued to the Sheriff of the County or Counties in which the Grantee or Grantees resided at the Time when the said Letters Patent were granted; and in case such Grantee or Grantees do not reside in the United Kingdom it shall be sufficient to file such Writ in the Petty Bag Office, and serve Notice thereof in Writing at the last known Residence or Place of Business of such Grantee or Grantees; and such Register or a Copy shall be open to the Inspection of the Public at the Office of the Commissioners, subject to such Regulations as the Commissioners may make: Provided always, that in any Proceeding in *Scotland* to repeal any Letters Patent Service of all Writs and Summonses shall be made according to the existing Forms and Practice; provided also, that the Grantee or Grantees of Letters Patent to be hereafter granted may assign the Letters Patent for *England*, *Scotland*, or *Ireland* respectively as effectually as if the Letters Patent had been originally granted to extend to *England* or *Scotland* or *Ireland* only, and the Assignee or Assignees shall have the same Rights of Action and Remedies, and shall be subject to the like Actions and Suits as he or they should and would have had and been subject to upon the Assignment of Letters

Letters Patent granted to *England, Ireland, or Scotland* before the passing of this Act.

XXXVI. Notwithstanding any Proviso that may exist in former Letters Patent, it shall be lawful for a larger Number than Twelve Persons hereafter to have a legal and beneficial Interest in such Letters Patent.

As to Interest in Letters Patent.

XXXVII. If any Person shall wilfully make or cause to be made any false Entry in the said Register of Proprietors, or shall wilfully make or forge, or cause to be made or forged, any Writing falsely purporting to be a Copy of any Entry in the said Book, or shall produce or tender, or cause to be produced or tendered, in Evidence any such Writing, knowing the same to be false or forged, he shall be guilty of a Misdemeanor, and shall be punished by Fine and Imprisonment accordingly.

Falsification or Forgery of Entries a Misdemeanor.

XXXVIII. If any Person shall deem himself aggrieved by any Entry made under colour of this Act in the said Register of Proprietors, it shall be lawful for such Person to apply, by Motion, to the Master of the Rolls, or to any of the Courts of Common Law at *Westminster* in Term Time, or by Summons to a Judge of any of the said Courts in Vacation, for an Order that such Entry may be expunged, vacated, or varied; and upon any such Application the Master of the Rolls, or such Court or Judge respectively, may make such Order for expunging, vacating, or varying such Entry, and as to the Costs of such Application, as to the said Master of the Rolls or to such Court or Judge may seem fit; and the Officer having the Care and Custody of such Register, on the Production to him of any such Order for expunging, vacating, or varying any such Entry, shall expunge, vacate, or vary the same, according to the Requisitions of such Order.

Entries may be expunged.

XXXIX. All the Provisions of the Acts of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Eighty-three, and of the Session holden in the Seventh and Eighth Years of Her Majesty, Chapter Sixty-nine, respectively, relating to Disclaimers and Memoranda of Alterations in Letters Patent and Specifications, except as herein-after provided, shall be applicable and apply to any Letters Patent granted, and to any Specification filed under the Provisions of this Act: Provided always, that all Applications for Leave to enter a Disclaimer or Memorandum of Alteration shall be made, and all Caveats relating thereto shall be lodged at the Office of the Commissioners, and shall be referred to the respective Law Officers in the said first-recited Act mentioned: Provided also, that every such Disclaimer or Memorandum of Alteration shall be filed in the Office appointed for filing Specifications in Chancery under this Act, with the Specification to which the same relates, in lieu of being entered or filed and enrolled as required by the said first-recited Act, or by the Act of the Session holden in the Twelfth and Thirteenth Years of Her Majesty, Chapter One hundred and nine, and the said Acts shall be construed accordingly: Provided also, that such filing of any Disclaimer or Memorandum of Alteration, in pursuance of the Leave of the Law Officer in the first-recited Act mentioned, certified as therein mentioned, shall, except in Cases of Fraud, be conclusive as to the Right of the Party to enter such Disclaimer or Memorandum of Alteration under the said Acts and this Act;

Provisions of 5 & 6 W.4. c.83. and of 7 & 8 Vict. c. 69. as to Disclaimers and Memoranda of Alterations to apply to Patents under this Act.

Applications for Disclaimers and Caveats to be at Office of Commissioners.

and no Objection shall be allowed to be made in any Proceeding upon or touching such Letters Patent, Specification, Disclaimer, or Memorandum of Alteration, on the Ground that the Party entering such Disclaimer or Memorandum of Alteration had not sufficient Authority in that Behalf: Provided also, that no Action shall be brought upon any Letters Patent in which or on the Specification of which any Disclaimer or Memorandum of Alteration shall have been filed in respect of any Infringement committed prior to the filing of such Disclaimer or Memorandum of Alteration, unless the Law Officer shall certify in his Fiat that any such Action may be brought, notwithstanding the Entry or Filing of such Disclaimer or Memorandum of Alteration.

Provisions of  
5 & 6 W. 4. c. 83.,  
2 & 3 Vict. c. 67.,  
and 7 & 8 Vict.  
c. 69. as to  
Confirmation  
and Prolonga-  
tion, to apply to  
Patents under  
this Act.

XL. All the Provisions of the said Act of the Fifth and Sixth Years of King *William* the Fourth, for the Confirmation of any Letters Patent, and the Grant of new Letters Patent, and all the Provisions of the said Act, and of the Acts of the Session holden in the Second and Third Years of Her Majesty, Chapter Sixty-seven, and of the Session holden in the Seventh and Eighth Years of Her Majesty, Chapter Sixty-nine, respectively, relating to the Prolongation of the Term of Letters Patent, and to the Grant of new Letters Patent for a further Term, shall extend and apply to any Letters Patent granted under the Provisions of this Act, and it shall be lawful for Her Majesty to grant any new Letters Patent, as in the said Acts mentioned; and in the granting of any such new Letters Patent Her Majesty's Order in Council shall be a sufficient Warrant and Authority for the sealing of any new Letters Patent, and for the Insertion in such new Letters Patent of any Restrictions, Conditions, and Provisions in the said Order mentioned; and the Lord Chancellor, on the Receipt of the said Order in Council, shall cause Letters Patent, according to the Tenor and Effect of such Order, to be made and sealed in the Manner herein directed for Letters Patent issued under the Warrant of the Law Officer: Provided always, that such new Letters Patent shall extend to and be available in and for such Places as the original Letters Patent extended to and were available in: Provided also, that such new Letters Patent shall be sealed and bear Date as of the Day after the Expiration of the Term of the original Letters Patent which may first expire.

In Actions for  
Infringement of  
Letters Patent,  
Particulars to  
be delivered,  
and no Evi-  
dence allowed  
not mentioned  
therein.

XLI. In any Action in any of Her Majesty's Superior Courts of Record at *Westminster* or in *Dublin* for the Infringement of Letters Patent the Plaintiff shall deliver with his Declaration Particulars of the Breaches complained of in the said Action, and the Defendant, on pleading thereto, shall deliver with his Pleas, and the Prosecutor in any Proceedings by Scire facias to repeal Letters Patent shall deliver with his Declaration, Particulars of any Objections on which he means to rely at the Trial in support of the Pleas in the said Action or of the Suggestions of the said Declaration in the Proceedings by Scire facias respectively; and at the Trial of such Action or Proceeding by Scire facias no Evidence shall be allowed to be given in support of any alleged Infringement or of any Objection impeaching the Validity of such Letters Patent which shall not be contained in the Particulars delivered as aforesaid: Provided always, that the Place or Places at or in which and in what Manner the Invention is alleged to have

have been used or published prior to the Date of the Letters Patent shall be stated in such Particulars: Provided also, that it shall and may be lawful for any Judge at Chambers to allow such Plaintiff or Defendant or Prosecutor respectively to amend the Particulars delivered as aforesaid, upon such Terms as to such Judge shall seem fit: Provided also, that at the Trial of any Proceeding by Scire facias to repeal Letters Patent the Defendant shall be entitled to begin and to give Evidence in support of such Letters Patent, and in case Evidence shall be adduced on the Part of the Prosecutor impeaching the Validity of such Letters Patent, the Defendant shall be entitled to the Reply.

XLII. In any Action in any of Her Majesty's Superior Courts of Record at *Westminster* and in *Dublin* for the Infringement of Letters Patent, it shall be lawful for the Court in which such Action is pending, if the Court be then sitting, or if the Court be not sitting then for a Judge of such Court, on the Application of the Plaintiff or Defendant respectively, to make such Order for an Injunction, Inspection, or Account, and to give such Direction respecting such Action, Injunction, Inspection, and Account, and the Proceedings therein respectively, as to such Court or Judge may seem fit.

Courts of Common Law may grant Injunction in case of Infringement.

XLIII. In taxing the Costs in any Action in any of Her Majesty's Superior Courts at *Westminster* or in *Dublin*, commenced after the passing of this Act for infringing Letters Patent regard shall be had to the Particulars delivered in such Action, and the Plaintiff and Defendant respectively shall not be allowed any Costs in respect of any Particular unless certified by the Judge before whom the Trial was had to have been proved by such Plaintiff or Defendant respectively, without regard to the general Costs of the Cause; and it shall be lawful for the Judge before whom any such Action shall be tried to certify on the Record that the Validity of the Letters Patent in the Declaration mentioned came in question; and the Record, with such Certificate, being given in Evidence in any Suit or Action for infringing the said Letters Patent, or in any Proceeding by Scire facias to repeal the Letters Patent, shall entitle the Plaintiff in any such Suit or Action, or the Defendant in such Proceeding by Scire facias on obtaining a Decree, Decretal Order or final Judgment, to his full Costs, Charges, and Expenses, taxed as between Attorney and Client, unless the Judge making such Decree or Order, or the Judge trying such Action or Proceeding, shall certify that the Plaintiff or Defendant respectively ought not to have such full Costs: Provided always, that nothing herein contained shall affect the Jurisdiction and Forms of Process of the Courts in *Scotland* in any Action for the Infringement of Letters Patent or in any Action or Proceeding respecting Letters Patent hitherto competent to the said Courts: Provided also, that when any Proceedings shall require to be taken in *Scotland* to repeal any Letters Patent, such Proceedings shall be taken in the Form of an Action of Reduction at the Instance of Her Majesty's Advocate, or at the Instance of any other Party having Interest with Concurrence of Her Majesty's Advocate, which Concurrence Her Majesty's Advocate is authorized and empowered to give upon just Cause shown only.

Particulars to be regarded in Taxation of Costs.

**Payments and Stamp Duties on Letters Patent to be as in Schedule.**

**XLIV.** There shall be paid in respect of Letters Patent applied for or issued as herein mentioned the filing of Specifications and Disclaimers, Certificates, Entries, and Searches, and other Matters and Things mentioned in the Schedule to this Act, such Fees as are mentioned in the said Schedule; and there shall be paid unto and for the Use of Her Majesty, Her Heirs and Successors, for or in respect of the Warrants and Certificates mentioned in the said Schedule, or the Vellum, Parchment, or Paper on which the same respectively are written, the Stamp Duties mentioned in the said Schedule; and no other Stamp Duties shall be levied, or Fees, except as herein-after mentioned, taken in respect to such Letters Patent and Specifications, and the Matters and Things in such Schedule mentioned.

**Duties under Management of Commissioners of Inland Revenue.**

**XLV.** The Stamp Duties hereby granted shall be under the Care and Management of the Commissioners of Inland Revenue; and the several Rules, Regulations, Provisions, Penalties, Clauses, and Matters contained in any Act now or hereafter to be in force with reference to Stamp Duties shall be applicable thereto.

**Fees to be paid to Consolidated Fund.**

**XLVI.** The Fees to be paid as aforesaid shall from Time to Time be paid into the Receipt of the Exchequer, and be carried to and made Part of the Consolidated Fund of the United Kingdom.

**Not to prevent Payment of Fees to Law Officers in Cases of Opposition, &c.**

**XLVII.** Provided always, That nothing herein contained shall prevent the Payment as heretofore to the Law Officers in Cases of Opposition to the granting of Letters Patent, and in Cases of Disclaimers and Memoranda of Alterations, of such Fees as may be appointed by the Lord Chancellor and Master of the Rolls as the Fee, to be paid on the hearing of such Oppositions, and in the Case of Disclaimers and Memoranda of Alterations respectively, or of such reasonable Sums for Office or other Copies of Documents in the Office of the Commissioners, as the Commissioners may from Time to Time appoint to be paid for such Copies, and the Lord Chancellor and Master of the Rolls, and the Commissioners, are hereby respectively authorized and empowered to appoint the Fees to be so paid in respect of such Oppositions, Disclaimers, and Memoranda of Alterations respectively, and for such Office or other Copies.

**Fees and Salaries of Officers.**

**XLVIII.** It shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to allow such Fees to the Law Officers and their Clerks (for Duties under this Act in respect of which Fees may not be payable to them under the Provisions lastly herein-before contained) as the Lord Chancellor and Master of the Rolls may from Time to Time appoint, and to allow such Salaries and Payments to any Clerks and Officers to be appointed under this Act, and such additional Salaries and Payments to any other Clerks and Officers in respect of any additional Duties imposed on them by this Act, as the said Commissioners of the Treasury may think fit.

**Salaries and Expenses under this Act to be paid out of Monies provided by Parliament.**

**XLIX.** It shall be lawful for the Commissioners of Her Majesty's Treasury to allow from Time to Time the necessary Sums for providing Offices under this Act, and for the Fees, Salaries, and Payments allowed by them as aforesaid, and for defraying the current and incidental Expenses of such Office or Offices; and the Sums to be so allowed shall be paid out of such Monies as may be provided by Parliament for that Purpose.

L. ' And whereas divers Persons by virtue of their Offices or  
 ' Appointments are entitled to Fees or Charges payable in respect  
 ' of Letters Patent as heretofore granted within the United King-  
 ' dom of *Great Britain and Ireland*, or have and derive in respect  
 ' of such Letters Patent, or the Procedure for the granting thereof,  
 ' Fees or other Emoluments or Advantages: ' Power to Treas-  
 ury to grant  
 Compensation  
 to Persons  
 affected by this  
 Act.

It shall be lawful for the said Commissioners of the Treasury to grant to any such Persons who may sustain any Loss of Fees, Emoluments, or Advantages by reason of the passing of this Act, such Compensation as, having regard to the Tenure and Nature of their respective Offices and Appointments such Commissioners deem just and proper to be awarded; and all such Compensations shall be paid out of such Monies as may be provided by Parliament for that Purpose: Provided always, that in case any Person to whom any yearly Sum by way of Compensation shall be awarded and paid shall, after the passing of this Act, be appointed to any Office or Place of Emolument under the Provisions of this Act, or in the Public Service, then and in every such Case the Amount of such yearly Sum shall in every Year be diminished by so much as the Emoluments of such Person for such Year from such Office or Place shall amount to, and Provision in that Behalf shall be made in the Award to him of such yearly Sum.

LI. An Account of all Salaries, Fees, Allowances, Sums, and Compensations to be appointed, allowed, or granted under this Act shall, within Fourteen Days next after the same shall be so appointed, allowed, or granted respectively, be laid before both Houses of Parliament, if Parliament be then sitting, or if Parliament be not then sitting, then within Fourteen Days after the next Meeting of Parliament. Account of  
 Salaries, &c.  
 to be laid before  
 Parliament.

LII. Letters Patent may be granted in respect of Applications made before the Commencement of this Act, in like Manner and subject to the same Provisions as if this Act had not been passed. As to Patents  
 applied for be-  
 fore Commence-  
 ment of Act.

LIII. Where Letters Patent for *England* or *Scotland* or *Ireland* have been granted before the Commencement of this Act, or are in respect of any Application made before the Commencement of this Act hereafter granted for any Invention, Letters Patent for *England* or *Scotland* or *Ireland* may be granted for such Invention in like Manner as if this Act had not been passed: Provided always, that in lieu of all the Fees or Payments and Stamp Duties now payable in respect of such Letters Patent, or in or about obtaining a Grant thereof, there shall be paid in respect of such Letters Patent for *England* or *Scotland* or *Ireland* on the sealing of such respective Letters Patent a Sum equal to One Third Part of the Fees and Stamp Duties which would be payable according to the Schedule to this Act in respect of Letters Patent issued for the United Kingdom under this Act, on or previously to the sealing of such Letters Patent; and at or before the Expiration of the Third Year and the Seventh Year respectively of the Term granted by such Letters Patent for *England* or *Scotland* or *Ireland*, Sums equal to One Third Part of the Fees and Stamp Duties payable at the Expiration of the Third Year and the Seventh Year respectively of the Term granted by Letters Patent issued for the United Kingdom under this Act; and the Condition of such Letters Patent for *England* or *Scotland* or *Ireland* shall be varied accordingly; and As to Letters  
 Patent granted  
 before Com-  
 mencement of  
 this Act for  
 England, Scot-  
 land, or Ireland.

and such Fees shall be paid to such Persons as the Commissioners of Her Majesty's Treasury shall appoint, and shall be carried to and form Part of the said Consolidated Fund.

Forms in Schedule may be used.

LIV. The several Forms in the Schedule to this Act may be used for and in respect of the several Matters therein mentioned, and the Commissioners may, where they think fit, vary such Forms as Occasion may require, and cause to be printed and circulated such other Forms as they may think fit to be used for the Purposes of this Act.

Interpretation of Terms.

LV. In the Construction of this Act the following Expressions shall have the Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,)

The Expression "Lord Chancellor" shall mean the Lord Chancellor, or Lord Keeper of the Great Seal, or Lords Commissioners of the Great Seal:

The Expression "The Commissioners" shall mean the Commissioners for the Time being acting in execution of this Act:

The Expression "Law Officer" shall mean Her Majesty's Attorney General or Solicitor General for the Time being for *England*, or the Lord Advocate, or Her Majesty's Solicitor General for the Time being for *Scotland*, or Her Majesty's Attorney General or Solicitor General for the Time being for *Ireland*:

The Expression "Invention" shall mean any Manner of new Manufacture the Subject of Letters Patent and Grant of Privilege within the Meaning of the Act of the Twenty-first Year of the Reign of King *James* the First, Chapter Three:

The Expressions "Petition," "Declaration," "Provisional Specification," "Warrant," and "Letters Patent" respectively, shall mean Instruments in the Form and to the Effect in the Schedule hereto annexed, subject to such Alterations as may from Time to Time be made therein under the Powers and Provisions of this Act.

Short Title.

LVI. In citing this Act in other Acts of Parliament, Instruments, and Proceedings, it shall be sufficient to use the Expression "The Patent Law Amendment Act, 1852."

Commencement of Act.

LVII. This Act shall commence and take effect from the First Day of *October* One thousand eight hundred and fifty-two.

### The SCHEDULE to which this Act refers.

#### FEES TO BE PAID.

	£	s.	d.
On leaving Petition for Grant of Letters Patent	5	0	0
On Notice of Intention to proceed with the Application	5	0	0
On sealing of Letters Patent	5	0	0
On filing Specification	5	0	0
At or before the Expiration of the Third Year	40	0	0
At or before the Expiration of the Seventh Year	80	0	0

On

	£	s.	d.
On leaving Notice of Objections - -	2	0	0
Every Search and Inspection - -	0	1	0
Entry of Assignment or Licence - -	0	5	0
Certificate of Assignment or Licence - -	0	5	0
Filing Application for Disclaimer - -	5	0	0
Caveat against Disclaimer - -	2	0	0

## STAMP DUTIES TO BE PAID.

On Warrant of Law Officer for Letters Patent - - - - -	5	0	0
On Certificate of Payment of the Fee payable at or before the Expiration of the Third Year - - - - -	10	0	0
On Certificate of Payment of the Fee payable at or before the Expiration of the Seventh Year - - - - -	20	0	0

## FORMS.

## PETITION.

No.

To the Queen's most Excellent Majesty.

The humble Petition of [*here insert Name and Address of Petitioner*] for, &c.

Showeth,

That Your Petitioner is in possession of an Invention for

[*the Title of the Invention,*]

which Invention he believes will be of great public Utility; that he is the true and first Inventor thereof; and that the same is not in use by any other Person or Persons, to the best of his Knowledge and Belief.

Your Petitioner therefore humbly prays, that Your Majesty will be pleased to grant unto him, his Executors, Administrators, and Assigns, Your Royal Letters Patent for the United Kingdom of Great Britain and Ireland, the Channel Islands, and Isle of Man, [*Colonies to be mentioned, if any,*] for the Term of Fourteen Years, pursuant to the Statutes in that Case made and provided.

And your Petitioner will ever pray, &c.

No.

## DECLARATION.

I of in the County of do solemnly and sincerely declare, That I am in possession of an Invention for, &c.

[*the Title as in Petition,*]

which Invention I believe will be of great public Utility; that I am the true and first Inventor thereof; and that the same is not in use by any other Person or Persons, to the best of my Knowledge and Belief; [*where a complete Specification is to be filed with the Petition and Declaration, insert these Words:—*“and that the Instrument in Writing under my Hand and Seal, hereunto annexed, particularly describes and ascertains the Nature of the said Invention and the Manner in which the same is to be performed;”] and I make this Declaration conscientiously believing the same to be



true, and by virtue of the Provisions of an Act made and passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, intituled "An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and " ' Affirmations taken and made in various Departments of the " ' State, and to substitute Declarations in lieu thereof, and for the " ' more entire Suppression of voluntary and extra-judicial Oaths " ' and Affidavits,' and to make other Provisions for the Abolition " of unnecessary Oaths."

Declared at ' this Day of A.D. *A.B.*  
before me,  
A Master in Chancery,  
or  
Justice of the Peace.

## PROVISIONAL SPECIFICATION.

No.

I do hereby declare the Nature of the said Invention for  
[insert Title as in Petition,]  
to be as follows :

[here insert Description.]  
Dated this Day of A.D.  
(To be signed by Applicant or his Agent.)

## REFERENCE.

(To be indorsed on the Petition.)

Her Majesty is pleased to refer this Petition to to con-  
sider what may be properly done therein.

---

Clerk of the Commissioners.

## WARRANT.

In humble Obedience to Her Majesty's Command referring to me the Petition of - of , to consider what may be properly done therein, I do hereby certify as follows ; That the said Petition sets forth that the Petitioner

[Allegations of the Petition.]

And the Petitioner most humbly prays,

[Prayer of the Petition.]

That in support of the Allegations contained in the said Petition the Declaration of the Petitioner has been laid before me, whereby he solemnly declares, that

[Allegations of the Declaration.]

That there has also been laid before me [a Provisional Specification signed , and also a Certificate ,] or [a complete Specification, and a Certificate of the filing thereof,] whereby it appears that the said Invention was provisionally protected [or protected] from the Day of A.D.  
in pursuance of the Statute :

That

**That it appears that the said Application was duly advertised :**

Upon consideration of all the Matters aforesaid, and as it is entirely at the Hazard of the said Petitioner whether the said Invention is new or will have the desired Success, and as it may be reasonable for Her Majesty to encourage all Arts and Inventions which may be for the Public Good, I am of opinion, that Her Majesty may grant Her Royal Letters Patent unto the Petitioner, his Executors, Administrators, and Assigns, for his said Invention within the United Kingdom of Great Britain and Ireland, the Channel Islands, and Isle of Man, [*Colonies to be mentioned, if any,*] for the Term of Fourteen Years, according to the Statute in that Case made and provided, if Her Majesty shall be graciously pleased so to do, to the Tenor and Effect following :

[ See next Form. ]

Given under my Hand, this

Day of

A.D.



**LETTERS PATENT.**

**VICTORIA**, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith; To all to whom these Presents shall come greeting:

Whereas **hath** by his Petition humbly represented unto Us that he is in possession of an Invention for which the Petitioner conceives will be of great public Utility; That he is the true and first Inventor thereof; and that the same is not in use by any other Person or Persons, to the best of his Knowledge and Belief: the Petitioner therefore most humbly prayed that We would be graciously pleased to grant unto him, his Executors, Administrators, and Assigns, Our Royal Letters Patent for the sole Use, Benefit, and Advantage of his said Invention within Our United Kingdom of Great Britain and Ireland, the Channel Islands, and Isle of Man, [*Colonies to be mentioned, if any,*] for the Term of Fourteen Years, pursuant to the Statutes in that Case made and provided:

[And whereas the said \_\_\_\_\_ hath particularly described and ascertained the Nature of the said Invention, and in what Manner the same is to be performed, by an Instrument in Writing under his Hand and Seal, and has caused the same to be duly filed in \_\_\_\_\_]

And We, being willing to give Encouragement to all Arts and Inventions which may be for the Public Good, are graciously pleased to condescend to the Petitioner's Request: Know ye, therefore, that We, of Our especial Grace, certain Knowledge, and mere Motion, have given and granted, and by these Presents, for Us, Our Heirs and Successors, do give and grant unto the said his Executors, Administrators, and Assigns, Our especial

especial Licence, full Power, sole Privilege, and Authority that he the said , his Executors, Administrators, and Assigns, and every of them, by himself and themselves, or by his and their Deputy or Deputies, Servants or Agents, or such others as he the said , his Executors, Administrators, or Assigns, shall at any Time agree with, and no others, from Time to Time and at all Times hereafter during the Term of Years herein expressed, shall and lawfully may make, use, exercise, and vend his said Invention within Our United Kingdom of Great Britain and Ireland, the Channel Islands, and Isle of Man, in such Manner as to him the said , his Executors, Administrators, and Assigns, or any of them, shall in his or their Discretion seem meet; and that he the said , his Executors, Administrators, and Assigns, shall and lawfully may have and enjoy the whole Profit, Benefit, Commodity, and Advantage from Time to Time coming, growing, accruing, and arising by reason of the said Invention, for and during the Term of Years herein mentioned; to have, hold, exercise, and enjoy the said Licences, Powers, Privileges, and Advantages herein-before granted or mentioned to be granted unto the said , his Executors, Administrators, and Assigns, for and during and unto the full End and Term of Fourteen Years from the Day of A.D. next and immediately ensuing, according to the Statute in such Case made and provided; and to the End that he the said , his Executors, Administrators, and Assigns, and every of them, may have and enjoy the full Benefit and the sole Use and Exercise of the said Invention, according to Our gracious Intention herein-before declared, We do by these Presents, for Us, Our Heirs and Successors, require and strictly command all and every Person and Persons, Bodies Politic and Corporate, and all other Our Subjects whatsoever, of what Estate, Quality, Degree, Name, or Condition soever they be, within Our United Kingdom of Great Britain and Ireland, the Channel Islands, and Isle of Man [*Colonies to be mentioned, if any,*] that neither they nor any of them, at any Time during the Continuance of the said Term of Fourteen Years hereby granted, either directly or indirectly do make, use, or put in practice the said Invention, or any Part of the same, so attained unto by the said as aforesaid, nor in anywise counterfeit, imitate, or resemble the same, nor shall make or cause to be made any Addition thereunto or Subtraction from the same, whereby to pretend himself or themselves the Inventor or Inventors, Devisor or Devisors thereof, without the Consent, Licence, or Agreement of the said , his Executors, Administrators, or Assigns, in Writing under his or their Hands and Seals first had and obtained in that Behalf, upon such Pains and Penalties as can or may be justly inflicted on such Offenders for their Contempt of this Our Royal Command, and further to be answerable to the said , his Executors, Administrators, and Assigns, according to Law, for his and their Damages thereby occasioned: And moreover We do by these Presents, for Us, Our Heirs and Successors, will and command all and singular the Justices of the Peace, Mayors, Sheriffs, Bailiffs, Constables, Headboroughs, and all other Officers and Ministers whatsoever of Us, Our Heirs and Successors, for the Time being, that they or any of them do not nor shall

at any Time during the said Term hereby granted in anywise molest, trouble, or hinder the said \_\_\_\_\_, his Executors, Administrators, or Assigns, or any of them, or his or their Deputies, Servants, or Agents, in or about the due and lawful Use or Exercise of the aforesaid Invention, or anything relating thereto: Provided always, and these Our Letters Patent are and shall be upon this Condition, that if at any Time during the said Term hereby granted it shall be made appear to Us, Our Heirs or Successors, or any Six or more of Our or their Privy Council, that this Our Grant is contrary to Law, or prejudicial or inconvenient to Our Subjects in general, or that the said Invention is not a new Invention as to the public Use and Exercise thereof, or that the said \_\_\_\_\_ is not the true and first Inventor thereof within this Realm as aforesaid, these Our Letters Patent shall forthwith cease, determine, and be utterly void to all Intents and Purposes, anything herein-before contained to the contrary thereof in anywise notwithstanding: Provided also, that these Our Letters Patent, or anything herein contained, shall not extend or be construed to extend to give Privilege unto the said \_\_\_\_\_, his Executors, Administrators, or Assigns, or any of them, to use or imitate any Invention or Work whatsoever which hath heretofore been found out or invented by any other of Our Subjects whatsoever, and publicly used or exercised, unto whom Our like Letters Patent or Privileges have been already granted for the sole Use, Exercise, and Benefit thereof: It being Our Will and Pleasure that the said \_\_\_\_\_, his Executors, Administrators, and Assigns, and all and every other Person and Persons to whom like Letters Patent or Privileges have been already granted as aforesaid, shall distinctly use and practise their several Inventions by them invented and found out, according to the true Intent and Meaning of the same respective Letters Patent and of these Presents: Provided likewise nevertheless, and these Our Letters Patent are upon this express Condition, [that if the said \_\_\_\_\_ shall not particularly describe and ascertain the Nature of his said Invention, and in what Manner the same is to be performed, by an Instrument in Writing under his Hand and Seal, and cause the same to be filed in \_\_\_\_\_ within \_\_\_\_\_ Calendar Months next and immediately after the Date of these Our Letters Patent:] [and also if the said Instrument in Writing filed as aforesaid does not particularly describe and ascertain the Nature of the said Invention, and in what Manner the same is to be performed;] and also if the said \_\_\_\_\_, his Executors, Administrators, or Assigns, shall not pay or cause to be paid at the Office of Our Commissioners of Patents for Inventions the Sums following, that is to say, the Sum of \_\_\_\_\_ Pounds on or before the \_\_\_\_\_ Day of \_\_\_\_\_ A.D. \_\_\_\_\_, and the Stamp Duty payable in respect of the Certificate of such Payment, and the Sum of \_\_\_\_\_ Pounds on or before the \_\_\_\_\_ Day of \_\_\_\_\_ A.D. \_\_\_\_\_ and the Stamp Duty payable in respect of the Certificate of such Payment; and also if the said \_\_\_\_\_, his Executors, Administrators, or Assigns, shall not supply or cause to be supplied for Our Service all such Articles of the said Invention as he or they shall be required to supply by the Officers or Commissioners administering the Department of Our Service for the Use of which the same shall be required, in such Manner, at \_\_\_\_\_

at such Times, and at and upon such reasonable Prices and Terms as shall be settled for that Purpose by the said Officers or Commissioners requiring the same; that then and in any of the said Cases these Our Letters Patent, and all Liberties and Advantages whatsoever hereby granted, shall utterly cease, determine, and become void, anything herein-before contained to the contrary thereof in anywise notwithstanding: Provided that nothing herein contained shall prevent the granting of Licences in such Manner and for such Considerations as they may by Law be granted; And lastly We do by these Presents, for Us, Our Heirs and Successors, grant unto the said

his Executors, Administrators, and Assigns, that these Our Letters Patent, or the filing thereof, shall be in and by all things good, firm, valid, sufficient, and effectual in the Law according to the true Intent and Meaning thereof, and shall be taken, construed, and adjudged in the most favourable and beneficial Sense for the best Advantage of the said

his Executors, Administrators, and Assigns, as well in all Our Courts of Record as elsewhere, and by all and singular the Officers and Ministers whatsoever of Us, Our Heirs and Successors, in Our United Kingdom of Great Britain and Ireland, the Channel Islands, and Isle of Man, [*Colonies to be mentioned, if any.*] and amongst all and every the Subjects of Us, Our Heirs and Successors, whatsoever and wheresoever, notwithstanding the not full and certain describing the Nature or Quality of the said Invention, or of the Materials thereunto conducting and belonging. In witness whereof We have caused these Our Letters to be made Patent, this                      Day of                      A.D.                      and to be sealed and bear Date as of the said                      Day of                      A.D. , in the                      Year of Our Reign.

#### SPECIFICATION.

To all to whom these Presents shall come :

I                      of                      send greeting :

Whereas Her most Excellent Majesty Queen Victoria, by Her Letters Patent bearing Date the                      Day of                      A.D. , in the                      Year of Her Reign, did for

Herself, Her Heirs and Successors, give and grant unto me the said

Her special Licence that I the said my Executors, Administrators, and

Assigns, or such others as I the said                      , my Executors, Administrators, and Assigns, should at any Time agree with, and no others, from Time to Time and at all Times thereafter during the Term therein expressed, should and lawfully might make, use, exercise, and vend, within the United Kingdom of Great Britain and Ireland, the Channel Islands, and Isle of Man [*Colonies to be mentioned, if any.*] an Invention for

[*insert Title as in Letters Patent*]

upon the Condition (amongst others) that I the said by an Instrument in Writing under my Hand and Seal, should particularly describe and ascertain the Nature of the said Invention, and in what Manner the same was to be performed, and cause the same to be filed in                      within                      Calendar Months next and immediately after the Date of the said Letters Patent :

Patent : Now know ye, that I the said do hereby declare the Nature of my said Invention, and in what Manner the same is to be performed, to be particularly described and ascertained in and by the following Statement; (that is to say,)

[*describe the Invention.*]

In witness whereof I the said *A.B.* have heretofore set my Hand and Seal, this Day of A.D.

*A.B.*

## C A P. LXXXIV.

An Act to make better Provision respecting the Supply of Water to the Metropolis. [1st July 1852.]

‘ **W**HEREAS it is expedient to make Provision for securing the Supply to the Metropolis of pure and wholesome Water, and otherwise to make further and better Provision in relation to the Water Supply of the Metropolis: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I. From and after the Thirty-first Day of *August* One thousand eight hundred and fifty-five it shall not be lawful for any Company supplying the Metropolis or any Part thereof with Water for domestic Use, except the Governor and Company of *Chelsea* Waterworks, to take any Water for such Purpose from any Part of the River *Thames* below *Teddington* Lock, or from any Part of any of the tributary Rivers or Streams of the River *Thames* below the highest Point where the Tide flows in such tributary Rivers and Streams respectively; and from and after the Thirty-first Day of *August* One thousand eight hundred and fifty-six it shall not be lawful for the said Governor and Company of *Chelsea* Waterworks to take any Water for domestic Use from any Part of the River *Thames* below *Teddington* Lock.

Restriction as to Sources of Supply of Water to the Metropolis.

II. From and after the Thirty-first Day of *August* One thousand eight hundred and fifty-five every Reservoir within a Distance in a straight Line from *Saint Paul's* Cathedral in the City of *London* of not more than Five Miles, in which Water for the Supply for domestic Use of the Metropolis or any Part thereof is stored or kept by any Company, shall be roofed in or otherwise covered over: Provided always, that this Provision shall not extend to any Reservoir the Water from which is subjected by the Company to efficient Filtration after it is discharged from such Reservoir, and before it is passed into the Mains or Pipes of the Company for Distribution, or to any Reservoir the whole of the Water from which is distributed through distinct Mains or Pipes for other than domestic Purposes, nor to any Reservoir whatever the Water stored in which shall be used exclusively for other than domestic Purposes.

Reservoirs within a limited Distance to be covered.

III. From and after the Thirty-first Day of *December* One thousand eight hundred and fifty-five, no Water shall be brought or conducted within the Metropolis by any Company for the Purpose of domestic Use otherwise than through Pipes or through covered

Water not to be brought within a limited Distance in open Aqueducts.

covered Aqueducts, unless the same shall be afterwards filtered before Distribution.

Every Company to filter all Water supplied by them for domestic Use.

IV. From and after the Thirty-first Day of *December* One thousand eight hundred and fifty-five, every Company shall effectually filter all Water supplied by them within the Metropolis for domestic Use, before the same shall pass into the Pipes for Distribution, excepting any Water which may be pumped from Wells into a covered Reservoir or Aqueduct, without Exposure to the Atmosphere, and which shall not be afterwards mixed with unfiltered Water.

Company to give Notice to Board of Trade before resorting to new Sources of Supply, who may appoint an Inspector to report.

V. Three Months before any Company shall resort to any new Source of Supply, such Company shall give Notice in Writing thereof to the Lords of the Committee of Privy Council for Trade and Plantations, herein-after called the Board of Trade, and thereupon, within One Month after Receipt of such Notice, the said Board of Trade shall, if they think fit, appoint a competent Person as an Inspector, who shall report with respect to any Sources then specially authorized by Parliament, whether the Directions of the Special Act have been complied with in reference thereto, and with respect to any new Sources not specially authorized by Parliament, whether the same are capable of supplying good and wholesome Water for domestic Purposes.

Inspector to give Notice to Companies of his Intention to visit new Sources.

VI. The Inspector so appointed as aforesaid shall within Ten Days after such Appointment give Notice in Writing to the Company thereof, and of the Time at which he proposes to visit and inspect the said Sources, and thereupon, in order to enable him to make such Report as aforesaid, it shall be lawful for the said Inspector to enter the Lands wherein such Sources respectively are situate, and to examine and make Inquiry touching the Premises.

Board of Trade to certify their Approval or Disapproval of new Sources.

VII. The Board of Trade shall, within Twenty-one Days after the Receipt from the said Inspector of his Report, send to such Company with respect to any such new Sources of Supply not specially authorized by Parliament a Certificate in Writing of their Approval or Disapproval thereof, and with respect to any such Sources as shall then be specially authorized by Parliament a Notice in Writing stating whether in the Judgment of the said Board of Trade the Directions of the Special Act have in reference thereto been complied with.

If Board of Trade disapprove, Company not to use new Source of Supply.

VIII. After the Company shall have received a Certificate that the said Board of Trade disapproves of any such new Source of Supply not specially authorized by Parliament as aforesaid, it shall not be lawful for the Company to use the said Source, and after Receipt of such Notice as aforesaid that in the Judgment of the said Board of Trade the Directions of the Special Act with reference to any Sources then specially authorized by Parliament have not been complied with, it shall not be lawful for the Company, before complying with such Directions with reference to such Source, to use the same.

On Complaint as to Quantity and Quality, Board of Trade may appoint a Person to inquire and report.

IX. If at any Time Complaint as to the Quantity or Quality of the Water supplied by any Company for domestic Use be made to the Board of Trade by Memorial in Writing signed by not less than Twenty Inhabitant Householdors paying Rents for and supplied with Water by the Company, it shall be lawful for the Board of Trade, at any Time within One Month after the Receipt of such

such Complaint, to appoint a competent Person to inquire into and concerning the Grounds of such Complaint, and to report to the Board of Trade thereon.

X. The Person so appointed as aforesaid shall, within Three Days after such Appointment, give Notice thereof in Writing to the Company, and after such Notice as aforesaid he shall have Power to inspect and examine the Waterworks of the Company, and to inquire into and concerning the Grounds of such Complaint; and the Company and their Officers shall afford all reasonable Facilities for such Inspection, Examination, and Inquiry.

Powers of Person appointed.

XI. Any Person obstructing such Inspector in the due Prosecution of such Inspection, Examination, or Inquiry, shall forfeit and pay any Sum not exceeding Ten Pounds.

On obstructing Inspector.

XII. If after Receipt of such Report it shall appear to the Board of Trade that the said Complaint is well founded, the Board of Trade shall give Notice thereof in Writing to the Company.

Notice if Complaint well founded.

XIII. After the Receipt of such Notice the Company shall and they are hereby required within a reasonable Time to remove the Grounds of such Complaint.

Company to remove Ground of Complaint.

XIV. Every Steam Engine, Furnace, or other Work in which Coals which produce Smoke during Combustion shall be consumed by any Company for the Purpose of the Waterworks shall be constructed on the most effectual Principle for consuming its own Smoke.

Engines to consume their own Smoke.

XV. After the Expiration of Five Years from the passing of this Act, every Company shall, subject to the Provisions of the Special Act relating to such Company, provide and keep, in the District Mains already laid down or hereafter to be laid by them, a constant Supply of pure and wholesome Water sufficient for the domestic Use of the Inhabitants of all Houses supplied by such Company, at such Pressure as will make the Water reach the top Story of the highest of such Houses, but not exceeding the Level prescribed by the Special Act of such Company; provided that no Company shall be bound to provide a constant Supply of Water to any District Main until Four Fifths of the Owners or Occupiers of the Houses on such Main shall by Writing under their Hands have required such Company to provide such Supply, nor even upon such Requisition, in case it can be shown by any Company objecting to the same that more than One Fifth of the Houses on such Main are not supplied with Pipes, Cocks, Cisterns, Machinery, and Arrangements of all Kinds for the Reception and Distribution of Water, constructed according to the Regulations prescribed by the Special Act or by this Act, or which any Company, with the Approval of the Board of Trade, may from Time to Time make in that Behalf; and after any such Requisition as aforesaid shall have been delivered to the Company, it shall be lawful for the Surveyor, or any other Person acting under the Authority of the Company, between the Hours of Nine of the Clock in the Forenoon and Four of the Clock in the Afternoon, to enter into any House or Houses on such District Main, in order to ascertain whether the Pipes, Cocks, Cisterns, and Machinery of such House and Houses are so constructed as aforesaid; and provided also, that any Company may, with the Consent of the Board of Trade, suspend the giving of such constant

Provision for constant Supply of Water by every Company.

stant



stant Supply, or give the same in succession to the several Districts of such Company or to any Parts of such Districts as may be found to be convenient; and provided that it shall be lawful for the Company, after due Notice, to abstain from supplying, or to cut off the Communication Pipes, and withdraw the Supply of Water from any House whereof the Pipes, Cocks, Cisterns, Machinery, or Arrangements as aforesaid shall not be in conformity with such Regulations; provided that neither the *Kent Waterworks Company* nor the *Hampstead Waterworks Company* shall be required to give such Supply at any Height exceeding One hundred and eighty Feet above *Trinity High-water Mark*, nor the *East London Waterworks Company* be required to give such Supply at any Height exceeding Forty Feet above the Level of the Pavement nearest the Point at which such Supply shall be required.

Penalty for Non-compliance with the Provisions of the Act.

**XVI.** Any Company which shall violate, refuse, or neglect to comply with any of the Provisions herein-before contained shall forfeit to Her Majesty the Sum of Two hundred Pounds, and the further Sum of One hundred Pounds for every Month during which they shall continue to violate or to refuse or neglect to comply with the same after they shall have received Notice in Writing from the Board of Trade to discontinue such Violation, Refusal, or Neglect as aforesaid.

Map of underground Works of the Companies to be made, and kept at principal Office of each Company, and be open to Inspection.

**XVII.** Every Company shall, within One Year after the passing of this Act, cause a Map to be made of the District within which any Mains or District Mains shall have been laid down or formed by them on a Scale not less than Six Inches to a Mile, and shall cause to be marked thereon the Course and Situation of all existing Mains and District Mains, and shall, within Six Months from the making of any Alterations or Additions, cause the said Maps to be from Time to Time corrected, and such Additions made thereto as may show the Line and Situation of all such Mains and District Mains as may be laid down or formed by them from Time to Time after the passing of this Act; and such Map, or a Copy thereof, with the Date expressed thereon of the last Time when the same shall have been so corrected as aforesaid, shall be kept in the principal Office of each Company, and shall be open to the Inspection of all Persons interested in the same within the said District, who shall be at liberty to take Copies of or Extracts from the same.

Companies' to furnish Particulars of District Mains when required.

**XVIII.** Every Company, on the Application of any Person supplied with Water by such Company, shall furnish to such Person the Particulars of any District Main from which such Person is supplied, together with the Names of the Streets through which such District Main passes, and the Commencement and Termination thereof.

Account of Receipt and Expenditure of Rates, &c. to be prepared, and to be open to Inspection.

**XIX.** And with respect to the yearly Receipt and Expenditure of every Company, the Company shall in each Year cause an Account in abstract to be prepared of the whole Receipt and Expenditure of all Rates or other Monies levied under the Powers of their Act, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account duly audited and certified by the Chairman of the Company, and also by the Auditors thereof, if any, and a Copy of such annual Account shall

shall be sent, free of Charge, to the Town Clerk of the City of *London*, and to the Vestry Clerk of each Parish supplied with Water by each Company respectively, not within the City of *London*, on or before the Thirty-first Day of *January* in each Year, under a Penalty of Twenty Pounds for each Default; and the Copy of such Account so sent shall be kept by the said Town Clerk and Vestry Clerks respectively, and shall be open to Inspection by all Persons at all reasonable Hours, on Payment of One Shilling for each Inspection.

XX. Whenever it shall appear to the Board of Trade that any of the Provisions of this Act have been violated, or have not been complied with on the Part of any Company, or that any Company has acted or is acting in a Manner unauthorized by the Provisions of this Act, and it shall also appear to the said Board of Trade that it would be for the public Advantage that the Company should be restrained from so acting, the said Board of Trade shall certify the same to Her Majesty's Attorney General, and thereupon the said Attorney General shall proceed by Information, or by Action, Bill, Complaint, Suit at Law or in Equity, or other legal Proceeding, as the Case may require, to recover any Penalties which may have been incurred, or otherwise to enforce the due Performance of the said Provisions; and in case the Default of the Company shall consist in the Commission of some Act or Acts unauthorized by Law, then the said Attorney General, upon receiving such Certificate as aforesaid, shall proceed by Suit in Equity, or such other legal Proceeding as the Nature of the Case may require, to obtain an Injunction or Order (which the Judge in Equity, or other Judge to whom the Application is made, shall be authorized and required to grant, if he shall be of opinion that the Act or Acts of the Company complained of is or are not authorized by Law,) to restrain the Company from acting in such illegal Manner, or to give such other Relief as the Nature of the Case may require.

Board of Trade may direct Prosecutions to enforce Provisions of Acts.

XXI. No such Certificate as aforesaid shall be given by the said Board of Trade until Twenty-one Days after they shall have given Notice to the Company against or in relation to whom they shall intend to give such Certificate of their Intention to give such Certificate; and no Proceedings shall be commenced under the Authority of the said Board of Trade except within One Year after the Offence shall have been committed.

Prosecutions to be under the Sanction of Board of Trade, and within One Year after the Offence.

XXII. Whenever Water shall be constantly laid on under Pressure in any District Main, every Person supplied with Water under Pressure by any Company through such Main shall, when required by the Company, provide a proper Cistern or other Receptacle for the Water with which he shall be so supplied, with an efficient Ballcock or other like Apparatus; and if any Cistern or other Receptacle supplied with Water under Pressure shall be provided with or have any Overflow Spout, Waste Pipe, or other Means or Contrivance immediately connected or capable of being used therewith to carry off the Water from such Cistern or Receptacle, such Person shall be bound to give Notice to the Company of every such Overflow Spout, Waste Pipe, or other Means or Contrivance, and of the Situation thereof; and, whether such Notice shall have been given or not, the Surveyor or any

Cisterns to be supplied with proper Ball-cocks or other Apparatus.

other Person acting under the Authority of the Company may, between the Hours of Nine of the Clock in the Forenoon and Four of the Clock in the Afternoon, enter into any House in order to examine if there be any Waste, Misuse, or undue Consumption of Water by means of any Overflow Spout, Waste Pipe, or other Means or Contrivance; and in case any such Waste, Misuse, or undue Consumption of Water shall be found to exist, or shall be deemed likely to occur from the Use of any such Overflow Spout, Waste Pipe, or other Means or Contrivance, it shall be lawful for such Surveyor or other Person to give Notice to the Person so supplied with Water either to repair and amend or to remove such Overflow Spout, Waste Pipe, or other Means or Contrivance; and if the same shall not be forthwith repaired and amended, or removed, in accordance with such Notice, it shall be lawful for the Company immediately thereafter to turn off the Water from the House, and to cease to supply the same with Water.

Cisterns, &c. to be constructed to prevent Waste, or the Flow or Return of impure Matter into the Mains, &c.

XXIII. Every Cistern or other Receptacle for Water, and every Closet, Soil Pan, and private Bath which shall be supplied with Water by any Company, shall be so constructed and used as effectually to prevent the Waste, Misuse, or undue Consumption of Water, and the Flow or Return of foul Air or other noisome or impure Matter into the Mains or Pipes of the Company, or into any Pipes connected or communicating therewith; and, notwithstanding anything in "The Waterworks Clauses Act, 1847," or in this Act contained, no Company shall be bound to supply Water into any Cistern or other Receptacle for Water, Closet, Soil Pan, or private Bath, which shall not be so constructed and used.

Restricting Communication with Pipes of the Company.

XXIV. No Person shall make or lay down, or permit to be made or laid down, any Pipe or other Means or Contrivance for taking, using, or obtaining Water to communicate with any Pipe or Apparatus connected with any of the Mains or Pipes of any Company without giving such Notice, and except under such Superintendence, and according to such Direction as is provided by "The Waterworks Clauses Act, 1847," with respect to the Communication Pipes to be laid by the Inhabitants.

Water may be cut off in certain Cases.

XXV. If any Person supplied with Water by any Company shall wilfully do or cause to be done any Act, Matter, or Thing in contravention of the Provisions of this Act, or of the Special Act relating to such Company, or of any Act incorporated therewith, or shall wilfully omit or neglect to do any Matter or Thing which under such Provisions ought to be done for the Prevention of the Waste, Misuse, or undue Consumption, or the Contamination of the Water of the Company, it shall be lawful for the Company to turn off the Water supplied by them to such Person, and to cease to supply such Person with Water, and also to recover from such Person by Action or Suit in any Court of competent Jurisdiction the Amount of any Loss, Damage, or Injury which such Company may sustain by means or in consequence of any such Act, Matter, or Thing as aforesaid, or of any such wilful Omission or Neglect as aforesaid.

Regulations to be made, with Approval of Board of Trade.

XXVI. It shall be lawful for any Company from Time to Time, with the Approval of the Board of Trade, to make such Regulations as shall be necessary or expedient for the Purpose of preventing the Waste or Misuse of Water, and therein, amongst other

other things, to prescribe the Size, Nature, and Strength of the Pipes, Cocks, Cisterns, and other Apparatus to be used, and to interdict any Arrangements, and the Use of any Pipes, Cocks, Cisterns, or other Apparatus, which may tend to such Waste or Misuse as aforesaid.

XXVII. If it appear to the Churchwardens and Overseers of the Poor of any Parish that any House in such Parish is without a proper Supply of Water, and that an annual Supply can be furnished thereto by the Company at a Rate not exceeding Three-pence *per* Week, conformably with the Scale of Rates authorized to be charged by such Company, after making the Allowance of Twenty *per Cent.* herein-after mentioned, the said Churchwardens and Overseers shall, with the Consent of the Vestry of the said Parish, give Notice in Writing to the Owner or Occupier of such House, requiring him within a Time specified therein to obtain such Supply, and do all such Works as may be necessary for that Purpose; and if such Notice be not complied with the said Churchwardens and Overseers shall, with the Consent aforesaid, do such Works, and recover the Expenses incurred from such Owner, in like Manner, and with the same Remedies for Nonpayment, as Rates for the Maintenance of the Poor are by Law recoverable in such Parish; and the Company shall, upon the Requisition of the said Churchwardens and Overseers of the Poor, supply with Water such House or Houses; and the Rates for such Supply of such House or Houses, not exceeding in the whole Three-pence *per* Week for any One such House, shall be due and payable by the said Owner, and shall be recoverable by the Company as if such Owner had contracted with the Company for the Supply of such Water, and upon such Payment the Company shall make an Allowance of Twenty *per Cent.*; and for the Purposes aforesaid the Person for the Time being receiving the Rackrent of any such House as aforesaid, whether on his own Account or as Agent or Trustee for any other Person, or who would so receive the same if such House were let at a Rackrent, shall be deemed to be the Owner of such House.

Parish Officers, with Consent of Vestry, may require Inhabitants to procure Supply of Water.

XXVIII. In citing this Act in other Acts and in legal Instruments it shall be enough to use the Expression "The Metropolis Water Act, 1852."

Short Title.

XXIX. In the Construction of this Act the Expression "Company" shall mean and include any of the Companies herein-after enumerated; (that is to say,) the Governor and Company of the *New River* brought from *Chadwell* and *Amwell* to *London*, commonly called "The *New River* Company;" the Company of Proprietors of the *East London* Waterworks; the *Southwark and Vauxhall* Water Company; the *West Middlesex* Waterworks Company; the *Lambeth* Waterworks Company; the Governor and Company of *Chelsea* Waterworks; the *Grand Junction* Waterworks Company; the Company of Proprietors of the *Kent* Waterworks; and the *Hampstead* Waterworks Company; and also any other Company, Board, Commissioner, Association, Person, or Partnership, corporate or unincorporate, for the Time being supplying the Metropolis or any Part thereof with Water for domestic Use; the Expression "the Special Act" shall mean and include this Act and every and any Act of Parliament relating to the Company

Interpretation of Terms.

referred to; and the Expression "the Metropolis" shall mean and include all Places described or referred to in the Schedule to this Act.

### The SCHEDULE above referred to.

All such Places lying on the North Side or Left Bank of the River Thames as are within the exterior Boundaries of and are within the Ambit formed by the Parishes of Fulham, Hammer-smith, Kensington, Paddington, Hampstead, Hornsey, Tottenham, Saint Pancras, Islington, Stoke Newington, Hackney, Stratford-le-Bow, Bromley, Poplar, and Shadwell.

Such Part of the Parish of Chelsea as lies North of the said Parish of Kensington.

And such Parts and Places lying on the South Side or Right Bank of the said River as are within the exterior Boundaries of and are within the Ambit formed by the Parishes of Woolwich, Charlton, Greenwich, Deptford, Lee, Lewisham, Camberwell, Lambeth, Streatham, Tooting, Wandsworth, and Putney.

### C A P. LXXXV.

An Act to amend the Laws concerning the Burial of the Dead in the Metropolis. [1st July 1852.]

13 & 14 Vict.  
c. 52.

‘ WHEREAS it is expedient to repeal “The Metropolitan Interments Act, 1850,” and to make such other Provision as herein-after mentioned in relation to Interments, in and near the Metropolis:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recited Act repealed, and Her Majesty may continue additional Member of Board.

I. The said Act shall be repealed: Provided always, that it shall be lawful for Her Majesty to continue during the Continuance of the General Board of Health the Appointment of the additional Member of such Board authorized by the said Act, and the Salary of such Member, fixed as in the said Act mentioned, shall be paid as by Section Seven of the Public Health Act, 1848, is directed concerning the Salaries therein mentioned.

On Representation of Secretary of State, Her Majesty in Council may order Discontinuance of Burials in any Part of the Metropolis.

II. In case it appear to Her Majesty in Council, upon the Representation of One of Her Majesty’s Principal Secretaries of State, that for the Protection of the Public Health Burials in any Part or Parts of the Metropolis, or in any Burial Grounds or Places of Burial in the Metropolis, should be wholly discontinued, or should be discontinued subject to any Exception or Qualification, it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, to order that after a Time mentioned in the Order Burials in such Part or Parts of the Metropolis or in such Burial Grounds or Places of Burial shall be discontinued wholly, or subject to any Exceptions or Qualifications mentioned in such Order, and so from Time to Time as Circumstances may require; provided that Notice of such Representation, and of the Time when it shall please Her Majesty to order the same to be taken into consideration by the Privy Council, shall be published in the *London Gazette*, and shall be affixed on the Doors of the Churches or Chapels

Chapels of the Parishes in which any Burial Grounds or Places of Burial affected by such Representation shall be situate, or on some other conspicuous Places within the Part or Parts of the Metropolis affected by such Representation, One Calendar Month, or where any Order made under "The Nuisances Removal and Diseases Prevention Act, 1848," directing the Provisions of that Act for the Prevention of epidemic, endemic, and contagious Diseases to be put in force, is in force within such Part or Parts, then Seven Days at the least before such Representation is so considered: Provided always, that no such Representation shall be made in relation to the Burial Ground of any Parish until Ten Days previous Notice of the Intention to make such Representation shall have been given to the Incumbent and the Vestry Clerk of such Parish.

III. No such Order in Council as aforesaid shall be deemed to extend to any Burial Ground of the People called Quakers, or of the Persons of the Jewish Persuasion, used solely for the Burial of the Bodies of such People and Persons respectively, unless the same be expressly mentioned in such Order; and nothing in this Act shall prevent the Burial in any such Burial Ground in which for the Time being Interment is not required to be discontinued of the Bodies of such People and Persons respectively; and no such Order in Council as aforesaid shall be deemed to extend to any non-parochial Burial Ground being the Property of any private Person, unless the same be expressly mentioned in such Order.

Order not to extend to Burial Grounds of Quakers or Jews, unless expressly included.

IV. It shall not be lawful, after the Time mentioned in any such Order in Council for the Discontinuance of Burials, to bury the Dead in any Church, Chapel, Churchyard, or Burial Place, or elsewhere, within the Part or Parts of the Metropolis or in the Burial Grounds or Places of Burial (as the Case may be) in which Burials have by any such Order been ordered to be discontinued, except as in this Act or in such Order excepted; and every Person who shall, after such Time as aforesaid, bury any Body, or in anywise act or assist in the Burial of any Body, contrary to this Enactment, shall be guilty of a Misdemeanor.

Burial not to take place after Order in Council for Discontinuance.

V. After the Time from which Burials in any Place of Burial of any Parish are required under this Act to be discontinued, the Body of any Parishioner or Inhabitant of such Parish shall not be buried in any Burial Ground within the Metropolis belonging to any other Parish within the Metropolis, save where the Body of any of the Family or Relatives of such Parishioner or Inhabitant has been interred in such Burial Ground, and the Relatives or other Persons having the Care and Direction of the Funeral signify a Desire that on that Account the Body of such Parishioner or Inhabitant should be there interred (such Burial Ground not being a Burial Ground in which Burials have been ordered to be discontinued under this Act), and save as herein otherwise provided; and every Person having the Care or Control of any Burial Ground who knowingly authorizes or permits any Burial therein contrary to this Enactment shall be guilty of a Misdemeanor.

Restriction as to Place of Burial of Inhabitants of Parishes, the Burial Grounds whereof are closed.

VI. Provided always, that notwithstanding any such Order in Council, where by virtue of any Faculty legally granted, or by Usage or otherwise, there is at the Time of the passing of this Act any Right of Interment in or under any Church or Chapel

Saving of certain Rights to bury in Vaults, &c.

affected by such Order, or in any Vault of any such Church or Chapel, or of any Churchyard or Burial Ground affected by such Order, and where any exclusive Right of Interment in any such Burial Ground has been purchased or acquired before the passing of this Act, it shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time, on Application being made to him, and on being satisfied that the Exercise of such Right will not be injurious to Health, to grant Licence for the Exercise of such Right during such Time and subject to such Conditions and Restrictions as such Secretary of State may think fit, but such Licence shall not prejudice or in anywise affect the Authority of the Ordinary, or of any other Person who, if this Act had not been passed, might have prohibited or controlled Interment under such Right, nor dispense with any Consent which would have been required, nor otherwise give to such Right any greater Force or Effect than the same would have had if this Act had not been passed.

As to Cemeteries in Schedule (B.) and certain new Burial Grounds ;

VII. The Provisions of this Act shall not extend to authorize the Discontinuance of Burials, or to prevent the Burial of the Body of any Person in any of the Cemeteries mentioned in the Schedule (B.) to this Act, or in any Burial Ground or Cemetery to be hereafter provided with the Approval of One of Her Majesty's Principal Secretaries of State, as herein mentioned.

as to St. Paul's Cathedral and Westminster Abbey.

VIII. Nothing in this Act contained shall extend to prevent the Interment in the Cathedral Church of *Saint Paul's London*, or in the Collegiate Church of *Saint Peter's Westminster*, of the Body of any Person, where Her Majesty, by any Writing under Her Royal Sign Manual, shall signify Her Pleasure that the Body be so interred.

As to new Burial Grounds in Metropolis.

IX. No new Burial Ground or Cemetery (parochial or non-parochial) shall be provided and used in the Metropolis, or within Two Miles of any Part thereof, without the previous Approval of One of Her Majesty's Principal Secretaries of State.

Church-wardens, after Order, or at any Time, upon Requisition of Ten Ratepayers, to convene Vestry Meeting, to determine whether a Burial Ground shall be provided.

X. Upon the Requisition in Writing of Ten or more Ratepayers of any Parish in the Metropolis in which the Place or Places of Burial shall appear to such Ratepayers insufficient or dangerous to Health (and whether any Order in Council in relation to any Burial Ground in such Parish has or has not been made), the Churchwardens or other Persons to whom it belongs to convene Meetings of the Vestry of such Parish shall convene a Meeting of the Vestry, for the special Purpose of determining whether a Burial Ground shall be provided under this Act for the Parish; and public Notice of such Vestry Meeting, and the Place and Hour of holding the same, and the special Purpose thereof, shall be given in the usual Manner in which Notices of the Meetings of the Vestry are given, at least Seven Days before holding such Vestry Meeting; and if it be resolved by the Vestry that a Burial Ground shall be provided under this Act for the Parish, a Copy of such Resolution, extracted from the Minutes of the Vestry, and signed by the Chairman, shall be sent to One of Her Majesty's Principal Secretaries of State.

In case Vestry agree to provide a Burial

XI. In case of such Resolution as aforesaid the Vestry shall appoint not less than Three nor more than Nine Persons, being Ratepayers of the Parish, to be the Burial Board of such Parish,

of whom One Third, or as nearly as may be One Third (to be determined among themselves), shall go out of Office yearly, at such Time as shall be from Time to Time fixed by the Vestry, but shall be eligible for immediate Re-appointment: Provided always, that the Incumbent of the Parish shall be eligible to be appointed and re-appointed from Time to Time as One of the Members of the said Board, although not a Ratepayer of the Parish; provided also, that any Member of the Board may at any Time resign his Office, on giving Notice in Writing to the Churchwardens or Persons to whom it belongs to convene Meetings of the Vestry.

Ground, Board to be appointed.

Resignation of Members.

XII. Any Vacancies in the Board may be filled up by the Vestry when and as the Vestry shall think fit.

Vestry to fill up Vacancies.

XIII. The Board shall meet at least once in every Month at their Office, or some other convenient Place previously publicly notified, and the said Board may meet at such other Time as at any previous Meeting shall be determined upon; and it shall be at all Times competent for any Two Members of the Board, by Writing under their Hands, to summon, with at least Forty-eight Hours Notice, the Board for any special Purpose mentioned in such Writing, and to meet at such Time as shall be appointed therein.

Meetings of the Board.

XIV. At all Meetings of the Board any Number not less than Three Members of such Board shall be a sufficient Number for transacting Business, and for exercising all the Powers of the Board.

Quorum of Meetings.

XV. The Board shall appoint, and may remove at Pleasure, a Clerk and such other Officers and Servants as shall be necessary for the Business of the Board and for the Purposes of their Burial Ground, and, with the Approval of the Vestry, may appoint reasonable Salaries, Wages, and Allowances for such Clerk, Officers, and Servants, and, when necessary, may hire and rent a sufficient Office for holding their Meetings and transacting their Business.

Board may appoint and remove Officers, &c.

XVI. Entries of all Proceedings of the Board, with the Names of the Members who attend each Meeting, shall be made in Books to be provided and kept for that Purpose, under the Direction of the Board, and shall be signed by the Members present or any Two of them; and all Entries purporting to be so signed shall be received as Evidence, without Proof of any Meeting of the Board having been duly convened or held, or of the Presence at any such Meeting of the Persons named in any such Entry as being present thereat, or of such Persons being Members of the Board, or of the Signature of any Person by whom any such Entry purports to be signed, all which Matters shall be presumed until the contrary be proved; and the Board shall provide and keep Books in which shall be entered true and regular Accounts of all Sums of Money received and paid for or on account of the Purposes of this Act in the Parish, and of all Liabilities incurred by them for such Purposes, and of the several Purposes for which such Sums of Money are paid and such Liabilities incurred.

Minutes of Proceedings of Board to be entered in a Book.

Board to keep Accounts, which shall be open to Inspection.

XVII. All such Books shall at all reasonable Times be open to the Examination of every Member of such Board, Churchwarden, Overseer, and Ratepayer, without Fee or Reward, and they respectively may take Copies of or Extracts from such Books, or

Penalty for refusing to allow Inspection.



any Part thereof, without paying for the same; and in case the Members of such Board, or any of them, or any of the Officers or Servants of such Board having the Custody of the said Books, being thereunto reasonably requested, refuse to permit or do not permit any Churchwarden, Overseer, or Ratepayer to examine the same, or take any such Copies or Extracts, every such Member, Officer, or Servant so offending shall for every such Offence, upon a summary Conviction thereof before any Justice of the Peace, forfeit any Sum not exceeding Five Pounds.

Auditors to be appointed yearly, who shall examine the Accounts, &c.

XVIII. The Vestry shall yearly appoint Two Persons, not being Members of the Board, to be Auditors of the Accounts of the Board, and at such Time in the Month of *March* in every Year as the Vestry shall appoint the Board shall produce to the Auditors their Accounts, with sufficient Vouchers for all Monies received and paid, and the Auditors shall examine such Accounts and Vouchers, and report thereon to the Vestry.

Expenses to be paid out of the Poor's Rate.

XIX. The Expenses incurred or to be incurred by the Burial Board of any Parish in carrying this Act into execution shall be chargeable upon and paid out of the Rates for the Relief of the Poor of such Parish; the Expenses to be so incurred for or on account of any Parish in providing and laying out a Burial Ground under this Act and building the necessary Chapel or Chapels thereon not to exceed such Sum as the Vestry shall authorize to be expended for such Purpose; and the Overseers or other Officers authorized to make and levy Rates for the Relief of the Poor in any Parish shall, upon Receipt of a Certificate under the Hands of such Number of Members of the Burial Board as are authorized to exercise the Powers of the Board of the Sums required from Time to Time for defraying any such Expenses as aforesaid, pay such Sums out of the Rates for the Relief of the Poor as the Board shall direct.

Power to borrow Money, with Sanction of Vestry, and Approval of Treasury.

XX. Provided always, That it shall be lawful for the Board, with the Sanction of the Vestry and the Approval of the Commissioners of Her Majesty's Treasury, to borrow any Money required for providing and laying out any Burial Ground under this Act, and building a Chapel or Chapels thereon, or any of such Purposes, and to charge the future Poor Rates of the Parish with the Payment of such Money and Interest thereon; provided that there shall be paid in every Year, in addition to the Interest of the Money borrowed and unpaid, not less than One Twentieth of the Principal Sum borrowed, until the whole is discharged.

The Public Works Loan Commissioners may advance Money for the Purposes of this Act.

XXI. The Commissioners for carrying into execution an Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Twenty-three, "to authorize for a further Period the Advance of Money out of the Consolidated Fund to "a limited Amount for carrying on Public Works and Fisheries "and Employment of the Poor," and any Act or Acts amending or continuing the same, may from Time to Time make to the Burial Board of any Parish for the Purposes of this Act any Loan under the Provisions of the recited Act, or the several Acts therein recited or referred to, upon Security of the Rates for the Relief of the Poor of the Parish.

Monies raised, and the Income arising from

XXII. The Money raised for defraying such Expenses, and the Income arising from the Burial Ground provided for the Parish,

Parish, except Fees payable to the Incumbent, Clerk, and Sexton of the Parish, and the other Fees herein directed to be otherwise paid, shall be applied by the Board in or towards defraying the Expenses of such Board under this Act; and whenever, after Repayment of all Monies borrowed for the Purposes of this Act in or for any Parish, and the Interest thereof, and after satisfying all the Liabilities of the Board with reference to the Execution of this Act in or for the Parish, and providing such a Balance as shall be deemed by the Board sufficient to meet their probable Liabilities during the then next Year, there shall be at the Time of holding the Meeting of the Vestry at which the yearly Report of the Auditors shall be produced any surplus Money at the Disposal of the Board, they shall pay the same to the Overseers, in aid of the Rate for the Relief of the Poor of the Parish,

Burial Ground, to be applied towards defraying Expenses.

XXIII. The Vestries of any Parishes which shall have respectively resolved to provide Burial Grounds under this Act may concur in providing One Burial Ground for the common Use of such Parishes, in such Manner, not inconsistent with the Provisions of this Act, as they shall mutually agree, and may agree as to the Proportions in which the Expenses of such Burial Ground shall be borne by such Parishes, and the Proportion for each of such Parishes of such Expenses shall be chargeable upon and paid out of the Monies to be raised for the Relief of the Poor of the same respective Parish accordingly; and, according and subject to the Terms which shall have been so agreed on, the Burial Boards appointed for such Parishes respectively shall, for the Purpose of providing and managing such One Burial Ground, and taking and holding Land for the same, act as One joint Burial Board for all such Parishes, and may have a joint Office, Clerk, and Officers, and all the Provisions of this Act shall apply to such joint Burial Board accordingly; and the Accounts and Vouchers of such Board shall be examined and reported on by the Auditors of each of such Parishes; and the surplus Money at the Disposal as aforesaid of such Board shall be paid to the Overseers of such Parishes respectively in the same Proportions as those in which such Parishes shall be liable to such Expenses.

Vestries of Parishes may concur in providing a Burial Ground for the common Use of such Parishes.

XXIV. For the more easy Execution of the Purposes of this Act the Burial Board of every Parish appointed under this Act shall be a Body Corporate, by the Name of "The Burial Board for the Parish of ( ) in the County of ( )," and by that Name shall have perpetual Succession and a Common Seal, and shall sue and be sued, and have Power and Authority (without any Licence in Mortmain) to take, purchase, and hold Land for the Purposes of this Act; and where the Burial Boards of Two or more Parishes act as and form One joint Burial Board for all such Parishes for the Purposes aforesaid, such joint Board shall for such Purposes only be a Body Corporate by the Name of "The Burial Board for the Parishes of ( ) and ( ) in the County of ( )" and by that Name shall have perpetual Succession and a Common Seal, and shall sue and be sued and have Power and Authority as aforesaid to take, purchase, and hold Land for the Purposes of this Act.

Incorporation of Burial Boards.

XXV. Every Burial Board shall, with all convenient Speed, proceed to provide a Burial Ground for the Parish or Parishes for which

Board to provide a Burial Ground, which

may be within  
or without the  
Parish.

which they are appointed to act, and to make Arrangements for facilitating Interments therein; and in providing such Burial Ground the Board shall have reference to the Convenience of Access thereto from the Parish or Parishes for which the same is provided; and any such Burial Ground may be provided either within or without the Limits of the Parish, or all or any of the Parishes, for which the same is provided; but no Ground not already used as or appropriated for a Cemetery shall be appropriated as a Burial Ground, or as an Addition to a Burial Ground, under this Act, nearer than Two hundred Yards to any Dwelling House, without the Consent in Writing of the Owner, Lessee, and Occupier of such Dwelling House.

Board may,  
with Approval  
of Vestry, pur-  
chase Land of  
Cemeteries.

XXVI. For the providing such Burial Ground it shall be lawful for the Burial Board, with the Approval of the Vestry or Vestries of the Parish or respective Parishes, to contract for and purchase any Lands for the Purpose of forming a Burial Ground, or for making Additions to any Burial Ground to be formed or purchased under this Act, as such Board may think fit, or to purchase from any Company or Persons entitled thereto any Cemetery or Cemeteries, or Part or Parts thereof, subject to the Rights in Vaults and Graves, and other subsisting Rights, which may have been previously granted therein: Provided always, that it shall be lawful for such Board, in lieu of providing any such Burial Ground, to contract with any such Company or Persons entitled as aforesaid for the Interment in such Cemetery or Cemeteries, and either in any allotted Part of such Cemetery or Cemeteries or otherwise, and upon such Terms as the Burial Board may think fit, of the Bodies of Persons who would have had Rights of Interment in the Burial Grounds of such Parish or respective Parishes.

Certain Pro-  
visions of  
8 & 9 Vict. c. 18.  
incorporated  
with this Act.

XXVII. "The Lands Clauses Consolidation Act, 1845," except the Provisions of that Act "with respect to the Purchase and taking of Lands otherwise than by Agreement," "with respect to the Recovery of Forfeitures, Penalties, and Costs," "with respect to Lands acquired by the Promoters of the Undertaking under the Provisions of the 'Lands Clauses Consolidation Act, 1845,' or the Special Act, or any Act incorporated therewith, but which shall not be required for the Purposes thereof," and "with respect to the Provision to be made for affording Access to the Special Act by all Parties interested," shall be incorporated with this Act; and for the Purposes of this Act the Expression "the Promoters of the Undertaking," wherever used in the said Lands Clauses Consolidation Act, shall mean any such Burial Board.

Power to sell  
Lands not  
wanted.

XXVIII. It shall be lawful for any such Board, with the Approval of the Vestry, to sell and dispose of any Lands purchased by them under this Act, or any Part thereof, in which no Interment shall have taken place, and which it may appear to the Board may be properly sold or disposed of; and for completing and carrying any such Sale into effect such Board may make and execute a Conveyance of the Lands sold and disposed of as aforesaid unto the Purchaser, or as he shall direct; and such Conveyance shall be under the Hands of at least Two of the Members of the Board, and under the Seal of the Board; and the Word "grant"

in

in such Conveyance shall have the same Operation as by the said Lands Clauses Consolidation Act, 1845, is given to the same Word in a Conveyance of Lands made by the Promoters of the Undertaking ; and a Receipt under the Hands of Two of the Members of the Board shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received ; and the Money to arise from such Sale shall be applied to such of the Purposes of this Act as the Board shall think fit.

XXIX. Provided always, That any Burial Board under this Act, with the Approval of the Vestry and of the Guardians of the Poor of the Parish (if any), and of the Poor Law Board, may from Time to Time appropriate for the Purposes of a Burial Ground for such Parish, either alone or jointly with any other Parish or Parishes, any Land vested in such Guardians, or in the Churchwardens, or in the Churchwardens and Overseers of the Parish, or in any Feoffees, Trustees, or others, for the general Benefit of the Parish, or for any specific Charity : Provided always, that where any Land so taken and appropriated shall be subject to any charitable Use, such Lands shall be taken on such Conditions only as the Court of Chancery in the Exercise of its Jurisdiction over Charitable Trusts shall appoint and direct.

Burial Board may, with Approval of Vestry, &c. appropriate Land belonging to Parish.

XXX. It shall be lawful for any Burial Board to lay out and embellish any Burial Ground provided by such Board in such Manner as may be fitting and proper, and to build on any Land to be purchased or appropriated for a Burial Ground under this Act, and according to a Plan to be approved of by the Bishop of the Diocese, a Chapel for the Performance of the Burial Service according to the Rites of the United Church of *England* and *Ireland* ; and such Burial Ground may be consecrated by the Bishop of the Diocese, when the same shall appear to him to be in a fit and proper Condition, for the Purposes of Interment according to the Rites of the United Church : Provided always, that in providing any Burial Ground such Board shall set apart a Portion thereof which shall not be so consecrated as aforesaid, and may build thereon a suitable Chapel or Chapels for the Performance of Funeral Service.

Board may lay out Burial Ground, and build Chapel.

Ground may be set apart for building a Chapel, &c.

XXXI. Any Burial Board may from Time to Time enter into any Contract with any Persons or Companies for building any Chapel or Chapels as aforesaid, and inclosing, laying out, and embellishing any Burial Ground, and for furnishing any Materials and Things, and for executing and doing any other Works and Things necessary for the Purposes of this Act ; which Contracts respectively shall specify the several Works and Things to be executed, furnished, and done, and the Prices to be paid for the same, and the Times when the Works and Things are to be executed, furnished, and done, and the Penalties to be suffered in Cases of Non-performance ; and all such Contracts, or true Copies thereof, shall be entered in Books to be kept for that Purpose : Provided always, that no Contract above the Value or Sum of One hundred Pounds shall be entered into by such Burial Board, for the Purposes of this Act, unless previous to the making thereof Fourteen Days Notice shall be given in One or more of the public Newspapers published in the County or Counties in which the Parish or re-

Burial Board may contract for Works to be done.

No Contract above 100*l.* to be entered into without Notice.

spective

spective Parishes shall be situated, expressing the Intention of entering into such Contract, in order that any Person willing to undertake the same may make Proposals for that Purpose, to be offered to the Burial Board at a certain Time and Place in such Notice to be mentioned, but it shall not be incumbent on the Burial Board to contract with the Person offering the lowest Price.

Burial Ground  
to be the Burial  
Ground of the  
Parish or Pa-  
rishes for which  
it is provided.

XXXII. From and after the Consecration as aforesaid of any Burial Ground provided under this Act (except any Portion thereof intended not to be so consecrated), or where all or any Part of such Burial Ground, by reason of the same having been already consecrated, shall not require to be consecrated, then from and after such Time as the Bishop of the Diocese shall appoint, such Burial Ground shall be deemed the Burial Ground of the Parish for which the same is provided, and where the same is provided for Two or more Parishes such Burial Ground shall be in Law as if such Parishes were One Parish, and as if such Burial Ground were the Burial Ground of such One Parish; and every Incumbent or Minister of the Parish or of each of the Parishes (as the Case may be) for which such Burial Ground is provided shall, by himself and his Curate, or such duly qualified Persons as such Incumbent or Minister may authorize, perform the Duties and have the same Rights and Authorities for the Performance of religious Service in the Burial in such Burial Ground, or in the consecrated Portion thereof, of the Remains of Parishioners or Inhabitants of the Parish of which he is such Incumbent or Minister, and shall be entitled to receive the same Fees in respect of such Burials which he has previously enjoyed and received; and the Clerk and Sexton of such Parish or of each of such Parishes shall (when necessary) perform and exercise the same Duties and Functions in respect of the Burial of the Remains of Parishioners or Inhabitants of the Parish of which he is Clerk or Sexton in such Burial Ground or the consecrated Portion thereof, and shall be entitled to receive the same Fees on such Burials, as he has previously performed and exercised and received, as if such Burial Ground were the Burial Ground of the respective Parish of such Incumbent or Minister, Clerk and Sexton respectively; and the Parishioners and Inhabitants of such Parish or of each of such Parishes shall have the same Rights of Sepulture in such Burial Ground as they respectively would have had in the Burial Ground or Burial Grounds in and for their respective Parish, subject nevertheless to the Provisions herein contained.

Board may sell  
exclusive  
Rights of Bu-  
rial Vaults, and  
Right to erect  
Monuments.

XXXIII. Any Burial Board, under such Restrictions and Conditions as they think proper, may sell the exclusive Right of Burial, either in perpetuity or for a limited Period, in any Part of any Burial Ground provided by such Board, and also the Right of constructing any Vault or Place of Burial with the exclusive Right of Burial therein in perpetuity or for a limited Period, and also the Right of erecting and placing any Monument, Gravestone, Tablet, or monumental Inscription in such Burial Ground, but there shall be payable to the Incumbent or Minister of the Parish out of the Fees or Payments to be paid in respect of any Rights acquired under this Enactment in the consecrated Part of such Burial Ground (in lieu of the Fees or Sums which he would have been entitled to on the Grant of the like Rights in the Burial Ground

Ground of his Parish) such Fees or Sums as shall be settled and fixed by the Vestry with the Approval of the Bishop of the Diocese, or if no such Fees or Sums shall have been so settled then such Fees as he would by Law or Custom have been entitled to on the Grant of the like Rights in the Burial Ground of his Parish.

XXXIV. Every Burial Board under this Act shall and may (without Prejudice to the Fees and Payments herein specially provided for) fix and settle and receive such Fees and Payments in respect of Interments in any Burial Ground provided by such Board as they shall think fit, and also the Sums to be paid for the exclusive Right of Burial, either in perpetuity or for a limited Period, in any Burial Ground provided by such Board, and also the Right of constructing any Vault or Place of Burial with the exclusive Right of Burial therein in perpetuity or for a limited Period, and also the Right of erecting and placing any Monument, Gravestone, Tablet, or monumental Inscription in such Burial Ground, and every Burial Board, with the Consent of the Vestry, may from Time to Time revise and alter such Fees, Payments, and Sums as aforesaid; and a Table showing such Fees, Payments, and Sums, and all other Fees and Payments in respect of Interments in such Ground, shall be printed and published, and shall be affixed and at all Times continued on some conspicuous Part of such Burial Ground.

XXXV. Where at the Time of the Discontinuance of Interment in any Burial Ground the Fees in respect of Burials therein are divided between the Incumbent of the Parish and the Incumbent of any District Parish or other Ecclesiastical District, each Incumbent shall have the same Proportion of the Fees in the Burial Ground to be provided under this Act as he was entitled to in respect of Interments in the old Burial Ground.

XXXVI. Where Fees or any Portion of Fees payable on Interments, or for any Monument, Gravestone, Tablet, or monumental Inscription, in the Burial Ground of any Parish for which a Burial Ground is provided alone or jointly with any other Parish or Parishes under this Act, are by Law or Custom payable to the Churchwardens of any Parish, or to Trustees or other Persons, for or towards the Payment of any Annuity or Stipend to the Incumbent or Minister, or any other Parochial Purpose, or the Discharge of any Debt or Liability, such Fees or Portion of Fees shall be payable in the Burial Ground to be provided as aforesaid for such Parish under this Act, and shall be received by the Burial Board and paid to the Parties entitled to receive the same; and where Fees or Payments have been received on Interments, or for any Monument, Gravestone, Tablet, or monumental Inscription, in the Burial Ground of any such Parish by any such Churchwardens, or by Trustees or other Persons, for the Purpose of discharging any periodical Payment or other Liability, it shall be lawful for the Burial Board, upon the Request of such Churchwardens, Trustees, or Persons, to pay from Time to Time, out of the Fees and Monies received by them on account of such Parish, such Amount as may be necessary for discharging such periodical Payment or Liability.

XXXVII. It shall be lawful for the Vestry of any Parish from Time to Time, if they think fit, with the Consent of the Bishop of the

Board to fix Payments for Interments in Burial Ground and for exclusive Right of Burial Vaults, and Right to erect Monuments.

Division of Fees between Incumbents of Parishes and Ecclesiastical Districts.

Fees payable to Churchwardens and others for Parochial Purposes.

Power to Vestry, with Consent of Bishop,

to revise the Fees to Incumbent, &c., or to substitute a fixed Payment.

the Diocese, to revise and vary the Fees payable to the Incumbent, Clerk, and Sexton, and other Persons and Bodies respectively, under the Provisions of this Act, or, with such Consent as aforesaid, to substitute for the Fees payable to such Incumbent, Clerk, and Sexton, and other Persons and Bodies respectively, a fixed annual Sum of such Amount as to such Vestry may seem just, to be payable by such periodical Payments as such Vestry may appoint, and in such last-mentioned Case the Fees which would otherwise be payable under this Act to the Incumbent, Clerk, and Sexton, and such other Persons and Bodies respectively, shall be paid to the Burial Board, and such fixed Payments as aforesaid shall be paid by such Board.

Management to be vested in Burial Boards.

XXXVIII. The general Management, Regulation, and Control of the Burial Grounds provided under this Act shall, subject to the Provisions of this Act and the Regulations to be made thereunder, be vested in and exercised by the respective Burial Boards providing the same; provided that any Question which shall arise touching the Fitness of any monumental Inscription placed in any Part of the consecrated Portions of such Grounds shall be determined by the Bishop of the Diocese.

Arrangements between the Incumbents of Parishes.

XXXIX. Where a Burial Ground is provided under this Act for the common Use of Two or more Parishes, in case any Question arise among the Incumbents of such Parishes as to the Performance of the Burial Service by a Chaplain to be paid by means of Contributions from such Incumbents, or Deductions from Fees or Sums payable to them, or otherwise touching the Performance of Service in the consecrated Part of such Ground, the Bishop of the Diocese shall from Time to Time confirm any Arrangement which a Majority, or, in case of equal Numbers, One Half of the Incumbents shall approve, and such Arrangement so confirmed shall be binding upon all the Parties concerned.

Certain Provisions of 10 & 11 Vict. c. 65. incorporated.

XL. The Provision of "The Cemeteries Clauses Act, 1847," with respect to the Protection of the Cemetery, shall be incorporated with this Act, and be applicable to any Burial Ground provided under this Act.

Boards may make Arrangements for facilitating the Conveyance of Bodies to Burial Grounds.

XLI. Any Burial Board may make such Arrangements as they may from Time to Time think fit for facilitating the Conveyance of the Bodies of the Dead from the Parish or the Place of Death to the Burial Ground which shall be provided under this Act, or to any other Place of Burial, subject to the Provisions of this Act and the Regulations to be made thereunder, and it shall be lawful for any of the aforesaid Cemetery Companies to undertake any such Arrangement, and to carry the same into effect, subject to the Provisions and Regulations as aforesaid.

Places may be provided for Reception of Bodies until Interment.

XLII. It shall be lawful for any Burial Board, with the Approval of the Vestry, and subject to the Provisions of this Act, and the Regulations to be made thereunder, and for the Churchwardens and Overseers of the Poor of any Parish in the Metropolis for which a Burial Board shall not have been appointed under this Act, by the Direction of the Vestry, and subject as aforesaid, to hire, take on Lease, or otherwise to provide fit and proper Places in which Bodies may be received and taken care of previously to Interment, and to make Arrangements for the Reception and Care of the Bodies to be deposited therein, and for providing such Places  
such

such Burial Boards may exercise the Powers vested in them under this Act for providing Burial Grounds ; and such Churchwardens and Overseers may exercise all such Powers as, under the Act of the Fifty-ninth Year of King *George* the Third, Chapter Twelve, or otherwise, the Churchwardens and Overseers of any Parish not having a Workhouse might exercise for providing a Workhouse for such Parish.

XLIII. The Provisions herein-before contained for the Appointment of Burial Boards shall not apply to any Parish within the Limits of the City of *London* and the Liberties thereof ; but it shall be lawful for the Mayor, Aldermen, and Commons of the said City, in Common Council assembled, if and when they see fit so to do, to authorize and direct the Commissioners of Sewers of the City of *London* to exercise for the said City and Liberties all the Powers and Authorities vested in Burial Boards under this Act ; and thereupon such Commissioners shall have and exercise for and on behalf of the said City and Liberties all such Powers and Authorities as are hereby vested in the Burial Board for any Parish, or which might be exercised by such Board with the Approval of the Vestry ; but the Expenses to be incurred by such Commissioners in providing and laying out any Burial Ground or Burial Grounds under this Act, and building the necessary Chapel or Chapels therein, shall not exceed such Sum as the said Mayor, Aldermen, and Commons in Common Council assembled shall authorize to be expended for this Purpose ; and the Money required for defraying the Expenses incurred under this Act by the said Commissioners shall be charged upon and payable out of the consolidated Rate authorized to be made by "The City of *London* Sewers Act, 1848," or any Monies applicable for defraying the Expenses by the said Act charged upon or payable out of such Rate ; and the Income of any Burial Ground provided under this Act by such Commissioners, which if such Ground had been provided by a Burial Board for any Parish would be applicable in aid of the Rate for the Relief of the Poor of such Parish, shall be applicable in aid of the said consolidated Rate ; and the Provisions contained in "The City of *London* Sewers Act, 1848," for the Purpose (as therein expressed) of enabling the said Commissioners to effect the Purchases therein authorized shall be applicable for the Purpose of enabling the said Commissioners to purchase Land for the Purposes of this Act ; and the Powers for and auxiliary to the Sale and Disposal of Land given or expressed to be given by "The City of *London* Sewers Act, 1848," and "The City of *London* Sewers Act, 1851," with respect to Land purchased by the said Commissioners for any of the Purposes mentioned in such last-mentioned Act, and deemed by them unnecessary for such Purposes, shall be applicable with respect to any Land purchased by the said Commissioners for the Purposes of this Act which may not appear to them to be wanted for such Purposes ; and all the Provisions of the said City of *London* Sewers Acts applicable to the Exercise of the Powers vested in the said Commissioners shall be applicable to and for the Purposes of this Act, as if the Powers which under this Act may become vested in such Commissioners had been Powers vested in them under the said "City of *London* Sewers Act, 1848 ;" provided

The Commissioners of Sewers of the City of *London* to be a Burial Board for the Parishes in the City and its Liberties.



provided that it shall be lawful for the said Mayor, Aldermen, and Commons to appoint any Incumbent or Incumbents of any Parish or Parishes within the said City or Liberties to act with the said Commissioners for the Purposes of this Act.

Secretary of  
State may make  
Regulations as  
to Burial  
Grounds, &c.

XLIV. It shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time to make such Regulations in relation to the Burial Grounds and Places for the Reception of Bodies previously to Interment which may be provided under this Act as to him may seem proper, for the Protection of the public Health and the Maintenance of public Decency, and the Burial Boards and all other Persons having the Care of such Burial Grounds and Places for the Reception of Bodies shall conform to and obey such Regulations.

Brompton Ce-  
metery vested in  
Commissioners  
of Works.

XLV. ' And whereas the General Board of Health have, under the Powers of the said Metropolitan Interments Act, 1850, taken Proceedings for the Purchase of the Cemetery of the *West of London and Westminster* Cemetery Company, (commonly called the *Brompton* Cemetery,) and the Amount of the Purchase Money has been ascertained by Arbitration, but such Purchase may not have been completed at the Time of the passing of this Act :

In case at the Time of the passing of this Act the said Cemetery has not been conveyed to the General Board of Health, the Rights and Obligations of the General Board of Health with reference to the Purchase of the said Cemetery shall upon the passing of this Act become transferred to the Commissioners of Her Majesty's Works and Public Buildings ; and in case the said Cemetery shall be conveyed to them by virtue of the Transfer hereby made of such Rights and Liabilities, then immediately upon such Cemetery being so conveyed, or in case at the Time of the passing of this Act the said Cemetery has been conveyed to the General Board of Health, then from and after the passing of this Act the said Cemetery shall, without any further Conveyance, become vested in the said Commissioners of Her Majesty's Works and Public Buildings, and their Successors, in the like Corporate Capacity in which any Lands, Tenements, or Hereditaments are vested in them under the Act of this last Session of Parliament, Chapter Forty-two, but subject to the Rights to Graves, Vaults, and Monuments subject to which such Cemetery may have been conveyed to such Commissioners or to the General Board of Health, as the Case may be, and subject to the Powers and for the Purposes herein-after mentioned.

Money author-  
ized to be ad-  
vanced under  
14 & 15 Vict.  
c. 89. may be  
applied in com-  
pleting the Pur-  
chase of the  
Brompton  
Cemetery.

XLVI. ' And whereas by an Act of the last Session of Parliament, Chapter Eighty-nine, the Commissioners of Her Majesty's Treasury are authorized to cause to be issued and advanced to the General Board of Health, out of the Produce of the Consolidated Fund of the United Kingdom, a Sum or Sums not exceeding in the whole One hundred and thirty-seven thousand Pounds, to be applied to the Purposes to which Money borrowed by the said Metropolitan Interments Act, 1850, is by the said Act made applicable :

It shall be lawful for the Commissioners of Her Majesty's Treasury to cause to be advanced or issued to and applied by the Commissioners of Her Majesty's Works and Public Buildings, out  
of

of the said Consolidated Fund, such Part of the said Sum of One hundred and thirty-seven thousand Pounds as the said Commissioners of Her Majesty's Treasury may think fit, for the Completion of the Purchase of the said *Brompton* Cemetery, in case such Purchase shall not have been completed at the Time of the passing of this Act, and for the Care and Management of the said Cemetery; and the said Commissioners of the Treasury may also cause to be issued and advanced and applied such Part of the said Sum of One hundred and thirty-seven thousand Pounds as the said Commissioners of the Treasury shall think fit, in discharge of any Liabilities of the said General Board of Health incurred under the Powers of the said Metropolitan Interments Act, 1850, without requiring in the Cases aforesaid any Mortgage to be made for such Advances.

XLVII. After Payment to the said *West of London and Westminster* Cemetery Company, either by the General Board of Health or by the Commissioners of Her Majesty's Works and Public Buildings, of the Purchase or Consideration Money for the said *Brompton* Cemetery, the said *West of London and Westminster* Cemetery Company shall continue only for the Purpose of winding up the Affairs and realizing and distributing the Assets thereof, and satisfying any Debts or Engagements to or by the said Company, and for the Enforcement by Law or in Equity of such Debts or Engagements respectively, and the said Company, as soon as conveniently may be after the Payment of such Purchase or Consideration Money, shall convert into Money, by Sale or otherwise, the Effects of the said Company, and get in the Debts and Assets thereof, and distribute and apportion the Monies thence arising, together with such Purchase or Consideration Money, after satisfying all the Debts, Engagements, and Liabilities of the said Company, to and among the several Proprietors thereof, according to their respective Shares and Interests therein; and from and immediately after such Distribution and Apportionment the said Company shall be dissolved, and the Receipt of every Person who for the Time being would have been entitled to give an effectual Discharge for any Dividends which might have become payable in respect of any Share in the said Cemetery, or in the Capital Stock of the said Company, in case the said Metropolitan Interments Act and this Act had not been passed, for the Proportion of the Monies which under this Provision shall become payable in respect of such Share, shall be an effectual Discharge to the said Company and the Directors thereof for the same.

XLVIII. The said Commissioners of Works and Public Buildings shall and may, in case the said *Brompton* Cemetery be vested in them by or under this Act, sell and dispose of the same or any Part thereof, subject to the Rights affecting the same, as the Commissioners of Her Majesty's Treasury may direct; and in the meantime, until such Sale, the Secretary of State may and shall permit the same to be used for the Purposes of Interment, upon such Terms and Conditions as he shall think fit; and the Residue of the Monies arising from the Sale and Disposal of the said Cemetery or any Part thereof, and in respect of the Interments therein, after defraying the Expenses incident to such Sale and to the Care and Management of the Cemetery, until the whole thereof

Provision for winding-up the *West of London and Westminster* Cemetery Company.

*Brompton* Cemetery may be sold by Direction of the Treasury, and in the meantime used for Interments.

shall be sold and disposed of, shall be paid to the Metropolitan Interments Repayments Account mentioned in the said Act of the last Session of Parliament, to be carried to the said Consolidated Fund.

Limiting the Compensation Fee to be payable on Pauper Burials in Cemeteries.

XLIX. Where any Body is buried in any of the Cemeteries mentioned in Schedule (B.) to this Act, at the Expense of any Union or Parish, the Fee or Sum to be paid or payable on the Interment of such Body, or otherwise in respect thereof, to the Incumbent of the Parish or Ecclesiastical District from which such Body is removed for Interment, shall not exceed the Sum of One Shilling, or where the Incumbent now receives in respect of the like Burial in the Ground of his Parish more than One Shilling shall not exceed the Sum so now received, and in no Case shall exceed Two Shillings and Sixpence; and no other Fee or Sum whatsoever shall be payable in respect of such Interment, to or for the Use of any Person as an Officer of such Parish or District, or for or on behalf of such Parish or District, anything in any Act mentioned in the said Schedule (B.) or any other Act notwithstanding.

Incumbents' Fees payable to Churchwardens where Incumbents' Stipend paid by them.

L. Where under any Local Act Fees on Interments in any Burial Ground of any Parish in the Metropolis are payable to the Churchwardens of such Parish, or to any Trustees or other Persons, for the Purpose of enabling them to pay an Annuity or Stipend to the Incumbent or Minister, the Fees which under this Act, or any Act relating to any Cemetery Company, would on the Interment in the Cemetery of any Company of any Body brought from such Parish be payable to such Incumbent or Minister, shall be payable to the said Churchwardens, Trustees, or Persons, and any Surplus of such Fees which may remain in their Hands after Payment of such Annuity or Stipend shall be paid to such Incumbent or Minister.

Power for Incumbent or Churchwardens to convey Chapel.

LL. Where any Burial Ground in which Interment is discontinued under this Act belongs to any Parish other than the Parish within which the same is locally situate, it shall be lawful for the Incumbent and Churchwardens of the Parish to which such Burial Ground belongs, with the Consent of the Vestry, or Persons possessing the Powers of Vestry for Ecclesiastical Purposes of or in such Parish, and of the Bishop of the Diocese, to convey any Chapel belonging to such Parish, and situate in or attached to such Burial Ground, and the Site thereof, to any Persons named by the Incumbent and Churchwardens of the Parish within which the same is situate, with the Consent of the Vestry, or Persons possessing the Powers of Vestry of or in such Parish for Ecclesiastical Purposes, and of the said Bishop, and upon such Trusts for such last-mentioned Parish, and subject to such Conditions to be performed on behalf of such Parish, and with such Provision for the Appointment of new Trustees, as to the said Bishop may seem proper; and such Conveyance shall be effectual to pass all the Estate and Interest vested in any Persons in trust or in behalf of the Parish to which such Chapel and the Site thereof belong; and after the Execution of such Conveyance all Obligation on such last-mentioned Parish, or any Trustees or others on behalf thereof, to repair such Chapel, or to pay any Stipend to the Minister

Minister thereof, or otherwise in relation to or in connexion with such Chapel, shall cease.

LII. In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction ; that is to say, Interpretation  
of Terms.

“Parish” shall mean every Place having separate Overseers of the Poor, and separately maintaining its own Poor :

“Ratepayers” shall mean the Persons for the Time being assessed to and paying Rates for the Relief of the Poor of the Parish :

“Incumbent” and “Minister” shall, in respect of any Fee made payable to an Incumbent or Minister under this Act, mean the Clergyman who would have been entitled to the Fee had the Body been buried in the Churchyard or Burial Ground of the Parish from which it came, or in the Burial Ground of the Ecclesiastical District in case such District has a Burial Ground at the passing of this Act, and if any Difference shall arise between Two or more Persons severally claiming to be the Incumbent or Minister under this Provision, such Difference shall be determined by the Bishop of the Diocese :

“Churchwardens” shall mean also Chapelwardens, or other Persons discharging the Duties of Churchwardens :

“Overseers” shall mean also any Persons authorized and required to make and collect or cause to be collected the Rate for the Relief of the Poor of the Parish and acting instead of Overseers of the Poor :

“Vestry” shall mean the Inhabitants of the Parish lawfully assembled in Vestry, or for any of the Purposes for which Vestries are holden, except in those Parishes in which there is a Select or other Vestry elected under an Act of the Fifty-ninth Year of King *George* the Third, Chapter Twelve, “to amend the Laws for the Relief of the Poor,” or elected under an Act passed in the Second Year of King *William* the Fourth, Chapter Sixty, “for the better Regulation of Vestries, and for the Appointment of Auditors of Accounts, in certain Parishes of *England* and *Wales*,” or elected under the Provisions of any Local Act of Parliament for the Government of any Parish by Vestries, in which Parishes it shall mean such Select or other Vestry :

“Clerk” shall mean the Clerk appointed pursuant to this Act by any Burial Board appointed under this Act.

LIII. For the Purposes of this Act, the Expression “the Metropolis” shall be construed to mean and include the Cities and Liberties of *London* and *Westminster*, the Borough of *Southwark*, and the Parishes, Precincts, Townships, and Places mentioned in the Schedule (A.) to this Act. Definition of  
“ the Metro-  
polis.”

LIV. Provided always, That nothing in this Act contained shall extend to take away, diminish, alter, or prejudice any of the Rights, Powers, or Authorities vested in any of the Cemetery Companies incorporated under the several Acts mentioned in the

Saving Rights  
of Cemetery  
Companies.

said Schedule (B.) to this Act, but all such Rights, Powers, and Authorities shall be as good, valid, and effectual as if this Act had not passed.

### SCHEDULE (A.)

The City of London and the Liberties thereof, the Inner Temple and Middle Temple, and all other Places and Parts of Places contained within the exterior Boundaries of the Liberties of the City of London.

#### IN MIDDLESEX.

The City and Liberties of Westminster.

The Parishes of St. Margaret and St. John the Evangelist.

The Parish of St. Martin in the Fields.

The Parish of St. George Hanover Square.

The Parish of St. James.

The Parish of St. Mary-le-Strand, as well within the Liberty of Westminster as within the Duchy Liberty.

The Parish of St. Clement Danes, as well within the Liberty of Westminster as within the Duchy Liberty.

The Parish of St. Paul Covent Garden.

The Parish of St. Anne Soho.

Whitehall Gardens (whether the same be parochial or extra-parochial).

Whitehall (whether the same be parochial or extra-parochial).

Richmond Terrace (whether the same be parochial or extra-parochial).

The Close of the Collegiate Church of St. Peter.

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The Parishes of St. Giles in the Fields and St. George Bloomsbury.

The Parishes of St. Andrew Holborn and St. George the Martyr.

The Liberty of Hatton Garden, Saffron Hill, and Ely Rents.

The Liberty of the Rolls.

The Parish of St. Pancras.

The Parish of St. John Hampstead.

The Parish of St. Marylebone.

The Parish of Paddington.

The Precinct of the Savoy.

The Parish of St. Luke.

The Liberty of Glasshouse Yard.

The Parish of St. Sepulchre.

The Parish of St. James Clerkenwell, including both Districts of St. James and St. John.

The Parish of St. Mary Islington.

The Parish of St. Mary Stoke Newington.

The Charterhouse.

The Parish of St. Mary Whitechapel.

The Parish of Christchurch Spitalfields.

The Parish of St. Leonard Shoreditch.

The Liberty of Norton Folgate.

The Parish of St. John Hackney.

The Parish of St. Matthew Bethnal Green.

The Hamlet of Mile End Old Town.

The Hamlet of Mile End New Town.

The Parish of St. Mary Stratford Bow.  
 The Parish of Bromley St. Leonard.  
 The Parish of All Saints Poplar.  
 The Parish of St. Anne Limehouse.  
 The Hamlet of Ratcliffe.  
 The Parish of St. Paul Shadwell.  
 The Parish of St. George in the East.  
 The Parish of St. John Wapping.  
 The Liberty of East Smithfield.  
 The Precinct of St. Catherine.  
 The Liberty of Her Majesty's Tower of London, consisting of—  
     The Liberty of the Old Artillery Ground.  
     The Parish of Trinity, Minories.  
     The Old Tower Precinct.  
     The Precinct of the Tower Within.  
     The Precinct of Wellclose.  
 The Parish of Kensington.  
 The Parish of St. Luke Chelsea.  
 The Parish of Fulham.  
 The Parish of Hammersmith.  
 Lincoln's Inn.  
 New Inn.  
 Gray's Inn.  
 Staple Inn.  
 That Part of Furnival's Inn in the County of Middlesex.  
 Ely Place.  
 The Parish of Willesden.

## IN KENT.

The Parish of St. Paul Deptford.  
 The Parish of St. Nicholas Deptford.  
 The Parish of Greenwich.  
 The Parish of Woolwich.  
 The Parish of Charlton.  
 The Parish of Plumstead.

## IN SURREY.

The Borough of Southwark.

The Parish of St. George the Martyr.  
 The Parish of St. Saviour.  
 The Parish of St. John Horsleydown.  
 The Parish of St. Olave.  
 The Parish of St. Thomas.

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The Parish of Battersea (except the Hamlet of Penge).  
 The Parish of Bermondsey.  
 The Parish of Camberwell.  
 The Parish of Clapham.  
 The Parish of Lambeth.  
 The Parish of Newington.  
 The Parish of Putney.  
 The Parish of Rotherhithe.  
 The Parish of Streatham.  
 The Parish of Tooting.

The Parish of Wandsworth.

The Parish of Christchurch.

The Clink Liberty.

The Hamlet of Hatcham in the Parish of Deptford.

### SCHEDULE (B.)

The several CEMETERIES established under the several ACTS herein-after mentioned ; viz.—

2 & 3 W. 4.  
c. cx.

An Act for establishing a General Cemetery for the Interment of the Dead in the Neighbourhood of the Metropolis:

6 & 7 W. 4.  
c. cxxix.

An Act for establishing a Cemetery for the Interment of the Dead Southward of the Metropolis, to be called the "South Metropolitan Cemetery :"

6 & 7 W. 4.  
c. cxxxvi.

An Act for establishing Cemeteries for the Interment of the Dead Northward, Southward, and Eastward of the Metropolis, by a Company to be called "The London Cemetery Company :"

1 Vict. c. cxxx.

An Act for establishing a Cemetery for the Interment of the Dead Westward of the Metropolis, by a Company to be called "The West of London and Westminster Cemetery Company :"

4 & 5 Vict.  
c. lxi.

An Act to establish a General Cemetery for the Interment of the Dead in the Parishes of Saint Dunstan Stepney and Saint Leonard Bromley in the County of Middlesex :

The Victoria Park Cemetery in the Parish of Saint Matthew Bethnal Green in the County of Middlesex ; And

The Abney Park Cemetery in the Parish of Saint Mary Stoke Newington in the County of Middlesex.

### C A P. LXXXVI.

An Act to amend the Practice and Course of Proceeding in the High Court of Chancery. [1st July 1852.]

' **W**HEREAS it is expedient to amend the Practice and Course of Proceeding in the High Court of Chancery : Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Bills engrossed on Parchment discontinued, and a printed Bill to be filed instead.

I. From and after the Time herein-after appointed for the Commencement of this Act, the Practice of engrossing on Parchment Bills of Complaint or Claims to be filed in the said Court, and of filing such Engrossment, shall be discontinued ; and the Clerks of Records and Writs of the said Court shall receive and file a printed Bill of Complaint or Claim, in lieu of an Engrossment thereof, in like Manner as they now receive and file such Engrossment.

Writs of Subpoena and Summons abolished.

II. The Writ of Subpoena to appear to and answer a Bill of Complaint in the said Court, and the Writ of Summons upon a Claim, shall respectively be abolished.

Defendants to be served with a printed Bill in

III. In lieu of serving the Defendant to a Bill of Complaint in the said Court with a Writ of Subpoena to appear to and answer the same, and in lieu of serving the Defendant to a Claim in the said

said Court with a Writ of Summons upon such Claim, in the Mode and according to the Practice now adopted in the said Court with reference to such Writs respectively, the Defendant shall be served with a printed Bill of Complaint or Claim, with an Indorsement thereon, in the Form or to the Effect set out in the Schedule to this Act, with such Variations as Circumstances may require, such printed Bill of Complaint or Claim so to be served being previously stamped with a proper Stamp by One of the Clerks of Records and Writs, indicating the filing of such Bill of Complaint or Claim, and the Date of the filing thereof.

IV. The filing of a printed Bill of Complaint or Claim in the said Court shall have the same Effect as the filing of a Bill of Complaint or Claim in the same Court, and the issuing of a Subpœna or Writ of Summons thereon respectively, now have, and the Service upon the Defendant of a printed Bill of Complaint or of a Claim so filed, with such Endorsement thereon, so stamped as aforesaid, shall have the same Effect as the Service on him of a Writ of Subpœna or Writ of Summons respectively now has, and shall entitle the Plaintiff in such Suit to such Remedies for Default of Appearance and otherwise as he is now entitled to in case of due and proper Service of a Subpœna to appear to and answer a Bill of Complaint or of a Writ of Summons upon a Claim.

V. The Service upon any Defendant of a printed Copy of a Bill of Complaint or of a Claim in the said Court shall be effected in the same Manner as Service of a Writ of Subpœna to appear to and answer a Bill of Complaint is now effected, save only that it shall not be necessary to produce the original Bill or Claim, which will be on the Files of the Court; provided that the Court shall be at liberty to direct substituted Service of such printed Bill or Claim, in such Manner and in such Cases as it shall think fit.

VI. Notwithstanding the Provisions herein-before contained, the Clerks of Records and Writs of the said Court may receive and file a written Copy of any Bill of Complaint praying a Writ of Injunction or a Writ of Ne exeat regno, or filed for the Purpose either solely or among other things of making an Infant a Ward of the said Court, upon the personal Undertaking of the Plaintiff or his Solicitor to file a printed Copy of such Bill within Fourteen Days, and every Bill of Complaint so filed shall be deemed and taken to have been filed at the Time of filing the written Copy thereof; and a written Copy of any such Bill of Complaint, stamped as aforesaid, and with such Endorsement thereon as aforesaid, may be served on any Defendant thereto, and such Service shall have the same Effect as the Service of a printed Copy.

VII. The Plaintiff in any Suit to be commenced in the said Court after the Time herein-after appointed for the Commencement of this Act shall be bound to deliver to the Defendant or his Solicitor, upon Application for the same, such a Number of printed Copies of his Bill of Complaint or Claim as he shall have Occasion for, upon being paid for the same at such Rate as shall be prescribed by any General Order of the Lord Chancellor in that Behalf.

VIII. Upon the Amendment of any Bill of Complaint or Claim to be filed in the said Court after the Time herein-after appointed for the Commencement of this Act, the Provisions herein-before

lieu of the Writs of Subpœna and Summons.

The filing and Service of a printed Bill or Claim to have the same Effect as the filing and issuing of Writs of Subpœna and Summons.

As to Service of printed Bill.

Written Copies of Bills may be served in certain Cases, upon Plaintiff undertaking to file a printed Copy in 14 Days.

Plaintiff to deliver printed Copies of Bill or Claim at Rate fixed by Lord Chancellor.

Prints of Amendments to original Bill also to be filed, &c.



In certain Cases a printed Bill may contain written Amendments.

Power to Lord Chancellor to revive present Practice as to filing of Bills, &c.

Bills of Complaint to contain concise Narratives of material Facts, &c.

Next Friend of any Infant, &c. to sign a written Authority.

Interrogatories to be filed in Record Office by Plaintiff within Time prescribed.

Defendants may answer without Leave within the Time now allowed, though not required so

contained with respect to filing and serving and delivering printed Copies thereof shall, so far as may be, extend and be applicable to the Bill or Claim as amended: Provided that where, according to the present Practice of the said Court, an Amendment of a Bill or Claim may be made without a new Engrossment thereof, or under such other Circumstances as shall be prescribed by any General Order of the Lord Chancellor in that Behalf, a Bill or Claim may be wholly or partially amended by written Alterations in the printed Bill of Complaint or Claim so to be filed as aforesaid.

IX. It shall be lawful for the Lord Chancellor from Time to Time to make any Order or Orders directing that the Provisions herein-before contained as to printing or otherwise shall be discontinued or suspended until further Order, and to direct that all or any of the present Practice as to the filing of Bills and Claims, and the issuing and Service of Subpœnas and Writs of Summons, may be revived and come into operation as if this Act had not passed.

X. Every Bill of Complaint to be filed in the said Court after the Time herein-after appointed for the Commencement of this Act shall contain as concisely as may be a Narrative of the material Facts, Matters, and Circumstances on which the Plaintiff relies, such Narrative being divided into Paragraphs numbered consecutively, and each Paragraph containing, as nearly as may be, a separate and distinct Statement or Allegation, and shall pray specifically for the Relief which the Plaintiff may conceive himself entitled to, and also for general Relief; but such Bill of Complaint shall not contain any Interrogatories for the Examination of the Defendant.

XI. Before the Name of any Person shall be used in any Suit to be instituted in the said Court as Next Friend of any Infant, married Woman, or other Party, or as Relator in any Information, such Person shall sign a written Authority to the Solicitor for that Purpose, and such Authority shall be filed with the Bill, Information, or Claim.

XII. Within a Time to be limited by a General Order of the Lord Chancellor in that Behalf, the Plaintiff in any Suit in the said Court commenced by Bill may, if he requires an Answer from any Defendant thereto, file in the Record Office of the said Court Interrogatories for the Examination of the Defendant or Defendants, or such of them from whom he shall require an Answer, and deliver to the Defendant or Defendants so required to answer, or to his or their Solicitor, a Copy of such Interrogatories, or of such of them as shall be applicable to the particular Defendant or Defendants; and no Defendant shall be called upon or required to put in any Answer to a Bill unless Interrogatories shall have been so filed, and a Copy thereof delivered to him or his Solicitor, within the Time so to be limited, or within such further Time as the Court shall think fit to direct.

XIII. Whether the Plaintiff in any Suit in the said Court commenced by Bill does or does not require any Answer from the Defendant or any One or more of the Defendants to the Bill, such Defendant or Defendants may, without any Leave of the Court, put in a Plea, Answer, or Demurrer to the Plaintiff's Bill within  
the

the Time now allowed to the Defendant for demurring alone to a Bill, or within such other Time as shall be fixed by any General Order of the Lord Chancellor in that Behalf; but after that Time a Defendant or Defendants not required to answer the Plaintiff's Bill shall not be at liberty to put in a Plea, Answer, or Demurrer to the Bill, without Leave of the Court; provided that the Power of the Court to grant further Time for pleading, answering, or demurring to any Bill, upon the Application of any Defendant or Defendants thereto, whether required to answer the Bill or not, shall remain in full Force, and shall not be in anywise prejudiced or affected; provided also, that if the Court shall grant any further Time to any Defendant for pleading, answering, or demurring to the Bill, the Plaintiff's Right to move for a Decree under the Provisions herein-after contained shall in the meantime be suspended.

to do by Plaintiff;  
but after that Time Defendant must have Leave.

XIV. The Answer of the Defendant to any Bill of Complaint in the said Court may contain, not only the Answer of the Defendant to the Interrogatories so filed as aforesaid, but such Statements material to the Case as the Defendant may think it necessary or advisable to set forth therein, and such Answer shall also be divided into Paragraphs numbered consecutively, each Paragraph containing as nearly as may be a separate and distinct Statement or Allegation.

Defendant's Answer may contain Answer to Interrogatories, &c.

XV. The Plaintiff in any Suit commenced by Bill shall be at liberty, at any Time after the Time allowed to the Defendant for answering the same shall have expired (but before Replication), to move the Court, upon such Notice as shall in that Behalf be prescribed by any General Order of the Lord Chancellor, for such Decree or Decretal Order as he may think himself entitled to; and the Plaintiff and Defendant respectively shall be at liberty to file Affidavits in support of and in opposition to the Motion so to be made, and to use the same on the Hearing of such Motion; and if such Motion shall be made after an Answer filed in the Cause, the Answer shall, for the Purposes of the Motion, be treated as an Affidavit.

Plaintiff may move for a Decree or Decretal Order.

Affidavits may be filed.

XVI. Upon any such Motion for a Decree or Decretal Order it shall be discretionary with the Court to grant or refuse the Motion, or to make an Order giving such Directions for or with respect to the further Prosecution of the Suit as the Circumstances of the Case may require, and to make such Order as to Costs as it may think right.

Court may refuse or grant such Motion, &c.

XVII. The Practice of excepting to Bills, Answers, and other Proceedings in the said Court for Impertinence shall be and the same is hereby abolished: Provided always, that it shall be lawful for the Court to direct the Costs occasioned by any impertinent Matter introduced into any Proceeding in the said Court to be paid by the Party introducing the same, upon Application being made to the Court for that Purpose.

Excepting to Bills, Answers, &c. for Impertinence abolished. Proviso as to Costs.

XVIII. It shall be lawful for the Court, upon the Application of the Plaintiff in any Suit in the said Court, whether commenced by Bill or by Claim, and as to a Suit commenced by Bill, whether the Defendant may or may not have been required to answer the Bill, or may or may not have been interrogated as to the Possession of Documents, to make an Order for the Production

Court or Judge may order Defendant to produce Documents, &c. on Oath.

by

by any Defendant, upon Oath, of such of the Documents in his Possession or Power relating to Matters in question in the Suit, as the Court shall think right; and the Court may deal with such Documents, when produced, in such Manner as shall appear just.

In certain Cases Defendant, after Answer, may file Interrogatories for Examination of Plaintiff.

XIX. It shall be lawful for any Defendant in any Suit, whether commenced by Bill or by Claim, but in Suits commenced by Bill which the Defendant is required to answer, not until after he shall have put in a sufficient Answer to the Bill, and without filing any Cross Bill of Discovery, to file in the Record Office of the said Court Interrogatories for the Examination of the Plaintiff, to which shall be prefixed a concise Statement of the Subjects on which a Discovery is sought, and to deliver a Copy of such Interrogatories to the Plaintiff or his Solicitor; and such Plaintiff shall be bound to answer such Interrogatories, in like Manner as if the same had been contained in a Bill of Discovery filed by the Defendant against him on the Day when such Interrogatories shall have been filed, and as if the Defendant to such Bill of Discovery had on the same Day duly appeared; and the Practice of the Court with reference to excepting to Answers for Insufficiency, or for Scandal, shall extend and be applicable to Answers put in to such Interrogatories; provided that in determining the Materiality or Relevancy of any such Answer, or of any Exception thereto, the Court is to have regard, in Suits commenced by Bill, to the Statements contained in the original Bill, and in the Answer which may have been put in thereto by the Defendant exhibiting such Interrogatories for the Examination of the Plaintiff, and in Suits commenced by Claim, to the Statements therein, and in any Affidavits which may have been filed either in support thereof or in opposition thereto: Provided also, that a Defendant, if he shall think fit so to do, may exhibit a Cross Bill of Discovery against the Plaintiff, instead of filing Interrogatories for his Examination.

Defendant may exhibit a Cross Bill instead of filing Interrogatories.

Upon Application of Defendant after Answer, Plaintiff may be required to produce Documents on Oath.

XX. It shall be lawful for the Court, upon the Application of any Defendant in any Suit, whether commenced by Bill or by Claim, but as to Suits commenced by Bill where the Defendant is required to answer the Plaintiff's Bill, not until after he has put in a full and sufficient Answer to the Bill, unless the Court shall make any Order to the contrary, to make an Order for the Production by the Plaintiff in such Suit, on Oath, of such of the Documents in his Possession or Power relating to the Matters in question in the Suit, as the Court shall think right; and the Court may deal with such Documents, when produced, in such Manner as shall appear just.

Issuing Commissions to take Answers, &c. within the Jurisdiction of the Court abolished.

XXI. The Practice of the said Court, of issuing Commissions to take Pleas, Answers, Disclaimers, and Examinations in Causes and Matters pending in the said Court, shall, with respect to Pleas, Answers, Disclaimers, and Examinations taken within the Jurisdiction of the Court, be and the same is hereby abolished; and any such Plea, Answer, Disclaimer, or Examination may be filed without any further or other Formality than is required in the swearing and filing of an Affidavit.

Pleas, Declarations, &c. in Chancery, how

XXII. All Pleas, Answers, Disclaimers, Examinations, Affidavits, Declarations, Affirmations, and Attestations of Honour in Causes or Matters depending in the High Court of Chancery, and also

also Acknowledgments required for the Purpose of enrolling any Deed in the said Court, shall and may be sworn and taken in *Scotland* or *Ireland*, or the *Channel Islands*, or in any Colony, Island, Plantation, or Place under the Dominion of Her Majesty in Foreign Parts, before any Judge, Court, Notary Public, or Person lawfully authorized to administer Oaths in such Country, Colony, Island, Plantation, or Place respectively, or before any of Her Majesty's Consuls or Vice-Consuls in any Foreign Parts out of Her Majesty's Dominions; and the Judges and other Officers of the said Court of Chancery shall take judicial Notice of the Seal or Signature, as the Case may be, of any such Court, Judge, Notary Public, Person, Consul, or Vice-Consul attached, appended, or subscribed to any such Pleas, Answers, Disclaimers, Examinations, Affidavits, Affirmations, Attestations of Honour, Declarations, Acknowledgments, or other Documents to be used in the said Court.

to be sworn and taken in Scotland, Ireland, the Channel Islands, &c.

XXIII. All Persons swearing, declaring, affirming, or attesting before any Person authorized by this Act to administer Oaths, and take Declarations, Affirmations, or Attestations of Honour, shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false swearing, declaring, affirming, or attesting contained therein, as if the Matter sworn, declared, affirmed, or attested had been sworn, declared, affirmed, or attested before any Court or Persons now by Law authorized to administer Oaths, and take Declarations, Affirmations, or Attestations upon Honour.

Penalty for falsely swearing, &c.

XXIV. If any Person shall forge the Signature or the Official Seal of any such Judge, Notary Public, or other Person lawfully authorized to administer Oaths under this Act, or shall tender in Evidence any Plea, Answer, Disclaimer, Examination, Affidavit, or other judicial or official Document with a false or counterfeit Signature or Seal of any such Judge, Court, Notary Public, or other Person authorized as aforesaid attached or appended thereto, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall be liable to the same Punishment as any Offender under an Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Admission in Evidence of certain official and other Documents*.

Penalty for forging Signature or Seal of Judge, &c. empowered to administer Oaths under this Act.

XXV. Pleas, Answers, Disclaimers, or Examinations, whether taken by Commission out of the Jurisdiction of the said Court or otherwise, may be filed without the Oath of a Messenger, and any Alterations made therein previously to the taking thereof shall be authenticated according to the Practice now in use with respect to Affidavits.

Answers, &c. to be filed without Oath of Messenger.

XXVI. In Suits in the said Court commenced by Bill, where Notice of Motion for a Decree or Decretal Order shall not have been given, or, having been given, where a Decree or Decretal Order shall not have been made thereon, Issue shall be joined by filing a Replication in the Form or to the Effect of the Replication now in use in the said Court; and where a Defendant shall not have been required to answer and shall not have answered the Plaintiff's Bill, he shall be considered to have traversed the Case made by the Bill.

Issue may be joined by filing Replication as at present.

XXVII. Where

Defendant not having been required to answer, &c. may move for Dismissal of Bill.

Practice of Court as to and Mode of examining Witnesses abolished.

Particular Witnesses may be examined upon Interrogatories as now practised.

Plaintiff, where Suits by Bill at issue, may give Notice to Defendant to adduce Evidence orally or by Affidavit.

Evidence may be taken orally, if required, and Court approve.

Witnesses to be examined by One of the Examiners of the Court in the Presence of the Parties.

XXVII. Where a Defendant to a Suit in the said Court commenced by Bill shall not have been required to answer the Bill and shall not have answered the same, such Defendant shall be at liberty to move to dismiss the Bill for Want of Prosecution, at such Times, and under such Circumstances, and subject to such Restrictions as shall be in that Behalf prescribed by any General Order of the Lord Chancellor.

XXVIII. The Mode of examining Witnesses in Causes in the said Court, and all the Practice of the said Court in relation thereto, so far as such Practice shall be inconsistent with the Mode herein-after prescribed of examining such Witnesses, and the Practice in relation thereto, shall, from and after the Time appointed for the Commencement of this Act, be abolished: Provided always, that the Court may, if it shall think fit, order any particular Witness or Witnesses within the Jurisdiction of the said Court, or any Witness or Witnesses out of the Jurisdiction of the said Court, to be examined upon Interrogatories in the Mode now practised in the said Court, and that with respect to such Witness or Witnesses the Practice of the said Court in relation to the Examination of Witnesses shall continue in full Force, save only so far as the same may be varied by any General Order of the Lord Chancellor in that Behalf, or by any Order of the Court with reference to any particular Case.

XXIX. When any Suit commenced by Bill shall be at issue, the Plaintiff shall, within such Time thereafter as shall be prescribed in that Behalf by any General Order of the Lord Chancellor, give Notice to the Defendant that he desires that the Evidence to be adduced in the Cause shall be taken orally or upon Affidavit, as the Case may be; and if the Plaintiff shall desire the Evidence to be adduced upon Affidavit, and the Defendant, or some or One of the Defendants, if more than One, shall not, within such Time as shall be prescribed in that Behalf by any General Order of the Lord Chancellor, give Notice to the Plaintiff or his Solicitor that he or they desire the Evidence to be oral, the Plaintiff and Defendants respectively shall be at liberty to verify their respective Cases by Affidavit.

XXX. When any of the Parties to any Suit commenced by Bill desires that the Evidence should be adduced orally, and gives Notice thereof to the opposite Party as herein-before provided, the same shall be taken orally, in the Manner herein-after provided; provided, that if the Evidence be required to be oral merely by a Party without a sufficient Interest in the Matters in question, the Court may, upon Application in a summary Way, make such Order as shall be just.

XXXI. All Witnesses to be examined orally under the Provisions of this Act shall be so examined by or before One of the Examiners of the Court, or by or before an Examiner to be specially appointed by the Court, the Examiner being furnished by the Plaintiff with a Copy of the Bill, and of the Answer, if any, in the Cause; and such Examination shall take place in the Presence of the Parties, their Counsel, Solicitors, or Agents, and the Witnesses so examined orally shall be subject to Cross-examination and Re-examination; and such Examination, Cross-examination, and Re-examination shall be conducted as nearly as may

may be in the Modè now in use in Courts of Common Law with respect to a Witness about to go abroad, and not expected to be present at the Trial of a Cause.

**XXXII.** The Depositions taken upon any such oral Examination as aforesaid shall be taken down in Writing by the Examiner, not ordinarily by Question and Answer, but in the Form of a Narrative, and when completed shall be read over to the Witness, and signed by him in the Presence of the Parties, or such of them as may think fit to attend: Provided always, that in case the Witness shall refuse to sign the said Depositions, then the Examiner shall sign the same, and such Examiner may, upon all Examinations, state any special Matter to the Court as he shall think fit: Provided also, that it shall be in the Discretion of the Examiner to put down any particular Question or Answer, if there should appear any special Reason for doing so; and any Question or Questions which may be objected to shall be noticed or referred to by the Examiner in or upon the Depositions, and he shall state his Opinion thereon to the Counsel, Solicitors, or Parties, and shall refer to such Statement on the Face of the Depositions, but he shall not have Power to decide upon the Materiality or Relevancy of any Question or Questions; and the Court shall have Power to deal with the Costs of immaterial or irrelevant Depositions as may be just.

Depositions to be taken down in Writing and read over to the Witness, who is to sign the same.

On Refusal, Examiner to sign, and state any special Matter he may think fit.

**XXXIII.** If any Person produced before any such Examiner as a Witness shall refuse to be sworn, or to answer any lawful Question put to him by the Examiner, or by either of the Parties, or by his or their Counsel, Solicitor, or Agent, the same Course shall be adopted with respect to such Witness as is now pursued in the Case of a Witness produced for Examination before an Examiner of the said Court, upon written Interrogatories, and refusing to be sworn, or to answer some lawful Question: Provided always, that if any Witness shall demur or object to any Question or Questions which may be put to him, the Question or Questions so put, and the Demurrer or Objection of the Witness thereto, shall be taken down by the Examiner, and transmitted by him to the Record Office of the said Court, to be there filed; and the Validity of such Demurrer or Objection shall be decided by the Court; and the Costs of and occasioned by such Demurrer or Objection shall be in the Discretion of the Court.

If Parties refuse to be sworn, &c. the same Course to be pursued as is now adopted.

Proviso as to Witness demurring to Questions.

**XXXIV.** When the Examination of Witnesses before any Examiner shall have been concluded, the original Depositions, authenticated by the Signature of such Examiner, shall be transmitted by him to the Record Office of the said Court, to be there filed, and any Party to the Suit may have a Copy thereof or of any Part or Portion thereof, upon Payment for the same in such Manner as shall be provided by any General Order of the Lord Chancellor in that Behalf.

Original Depositions to be transmitted to the Record Office, and filed.

**XXXV.** It shall not be necessary to sue out any Commission for the Examination of any Witnesses within the Jurisdiction of the said Court; and any Examiner appointed by any Order of the Court shall have the like Power of administering Oaths as Commissioners now have under Commissions issued by the Court for the Examination of Witnesses.

Commission for Examination of Witnesses dispensed with.

**XXXVI.** Not-

Affidavits as to particular Facts, &c. may be used.

Affidavits to be divided into numbered Paragraphs.

Evidence oral or by Affidavit, on both Sides, to be closed as prescribed by General Order.

Witnesses by Affidavit may be orally cross-examined, and afterwards re-examined.

Witnesses bound to attend.

As to Expenses attending Cross-examinations, &c.

Court may require oral Examination before itself of Witnesses, &c.

Any Party in a Cause may by Subpœna require Attendance of any Witness before an Examiner.

**XXXVI.** Notwithstanding that the Plaintiff or the Defendant in any Suit in the said Court may have elected that the Evidence in the Cause should be taken orally, Affidavits by particular Witnesses, or Affidavits as to particular Facts or Circumstances, may, by Consent, or by Leave of the Court obtained upon Notice, be used on the Hearing of any Cause, and such Consent, with the Approbation of the Court, may be given by or on the Part of married Women or Infants or other Persons under Disability.

**XXXVII.** Every Affidavit to be used in the said Court shall be divided into Paragraphs, and every Paragraph shall be numbered consecutively, and, as nearly as may be, shall be confined to a distinct Portion of the Subject.

**XXXVIII.** The Evidence on both Sides in any Suit in the said Court, whether taken orally or upon Affidavit, shall be closed within such Time or respective Times after Issue joined as shall in that Behalf be prescribed by any General Order of the Lord Chancellor, but with Power to the Court to enlarge the same as it may see fit; and after the Time fixed for closing the Evidence no further Evidence, whether oral or by Affidavit, shall be receivable, without special Leave of the Court previously obtained for that Purpose: Provided always, that any Witness who has made an Affidavit filed by any Party to a Cause shall be subject to oral Cross-examination within such Time after the Time fixed for closing the Evidence as shall be prescribed in that Behalf by any Order of the Lord Chancellor, by or before an Examiner, in the same Manner as if the Evidence given by him in his Affidavit had been given by him orally before the Examiner, and after such Cross-examination may be re-examined orally by or on the Part of the Party by whom such Affidavit was filed; and such Witness shall be bound to attend before such Examiner, to be so cross-examined and re-examined, upon receiving due and proper Notice, and Payment of his reasonable Expenses, in like Manner as if he had been duly served with a Writ of Subpœna ad testificandum before such Examiner; and the Expenses attending such Cross-examination and Re-examination shall be paid by the Parties respectively, in like Manner as if the Witness so to be cross-examined were the Witness of the Party cross-examining, and shall be deemed Costs in the Cause of such Parties respectively, unless the Court shall think fit otherwise to direct.

**XXXIX.** Upon the Hearing of any Cause depending in the said Court, whether commenced by Bill or by Claim, the Court, if it shall see fit so to do, may require the Production and oral Examination before itself of any Witness or Party in the Cause, and may direct the Costs of and attending the Production and Examination of such Witness or Party to be paid by such of the Parties to the Suit or in such Manner as it may think fit.

**XL.** Any Party in any Cause or Matter depending in the said Court may, by a Writ of Subpœna ad testificandum or Duces tecum, require the Attendance of any Witness before an Examiner of the said Court, or before an Examiner specially appointed for the Purpose, and examine such Witness orally, for the Purpose of using his Evidence upon any Claim, Motion, Petition, or other Proceeding before the Court, in like Manner as such Witness would be bound to attend and be examined with a view to the

Hearing

Hearing of a Cause; and any Party having made an Affidavit to be used or which shall be used on any Claim, Motion, Petition, or other Proceeding before the Court shall be bound, on being served with such Writ, to attend before an Examiner, for the Purpose of being cross-examined: Provided always, that the Court shall always have a discretionary Power of acting upon such Evidence as may be before it at the Time, and of making such interim Orders, or otherwise, as may appear necessary to meet the Justice of the Case.

**XLI.** In Cases where it shall be necessary for any Party to any Cause depending in the said Court to go into Evidence subsequently to the Hearing of such Cause, such Evidence shall be taken as nearly as may be in the Manner herein-before provided with reference to the taking of Evidence with a view to such Hearing.

How any subsequent Evidence is to be taken.

**XLII.** It shall not be competent to any Defendant in any Suit in the said Court to take any Objection for Want of Parties to such Suit, in any Case to which the Rules next herein-after set forth extend; and such Rules shall be deemed and taken as Part of the Law and Practice of the said Court, and any Law or Practice of the said Court inconsistent therewith shall be and is hereby abrogated and annulled.

Defendant not to take Objection for Want of Parties in any Case to which Rules herein set forth shall extend.

**Rule 1.** Any Residuary Legatee or Next of Kin may, without serving the remaining Residuary Legatees or Next of Kin, have a Decree for the Administration of the Personal Estate of a deceased Person.

**Rule 2.** Any Legatee interested in a Legacy charged upon Real Estate, and any Person interested in the Proceeds of Real Estate directed to be sold, may, without serving any other Legatee or Person interested in the Proceeds of the Estate, have a Decree for the Administration of the Estate of a deceased Person.

**Rule 3.** Any Residuary Devisee or Heir may, without serving any Co-residuary Devisee or Co-heir, have the like Decree.

**Rule 4.** Any One of several Cestuique Trust under any Deed or Instrument may, without serving any other of such Cestuique Trust, have a Decree for the Execution of the Trusts of the Deed or Instrument.

**Rule 5.** In all Cases of Suits for the Protection of Property pending Litigation, and in all Cases in the Nature of Waste, One Person may sue on behalf of himself and of all Persons having the same Interest.

**Rule 6.** Any Executor, Administrator, or Trustee may obtain a Decree against any One Legatee, Next of Kin, or Cestuique Trust for the Administration of the Estate, or the Execution of the Trusts.

**Rule 7.** In all the above Cases the Court, if it shall see fit, may require any other Person or Persons to be made a Party or Parties to the Suit, and may, if it shall see fit, give the Conduct of the Suit to such Person as it may deem proper, and may make such Order in any particular Case as it may deem just for placing the Defendant on the Record on the same Footing in regard to Costs as other Parties having a common Interest with him in the Matters in question.

Rule 8.



**Rule 8.** In all the above Cases the Persons who, according to the present Practice of the Court, would be necessary Parties to the Suit, shall be served with Notice of the Decree, and after such Notice they shall be bound by the Proceedings in the same Manner as if they had been originally made Parties to the Suit, and they may by an Order of Course have Liberty to attend the Proceedings under the Decree; and any Party so served may, within such Time as shall in that Behalf be prescribed by the General Order of the Lord Chancellor, apply to the Court to add to the Decree.

**Rule 9.** In all Suits concerning Real or Personal Estate which is vested in Trustees under a Will, Settlement, or otherwise, such Trustees shall represent the Persons beneficially interested under the Trust, in the same Manner and to the same Extent as the Executors or Administrators in Suits concerning Personal Estate represent the Persons beneficially interested in such Personal Estate; and in such Cases it shall not be necessary to make the Persons beneficially interested under the Trusts Parties to the Suit; but the Court may, upon Consideration of the Matter, on the Hearing, if it shall so think fit, order such Persons, or any of them, to be made Parties.

Setting down Cause on Objection for Want of Parties abolished.

Court may proceed in any Suit, &c. without Representative of deceased Person, or may appoint one.

**XLIII.** The Practice of the said Court of setting down a Cause merely on an Objection for Want of Parties to the Suit shall be abolished.

**XLIV.** If in any Suit or other Proceeding before the Court it shall appear to the Court that any deceased Person who was interested in the Matters in question has no legal personal Representative, it shall be lawful for the Court either to proceed in the Absence of any Person representing the Estate of such deceased Person, or to appoint some Person to represent such Estate for all the Purposes of the Suit or other Proceeding, on such Notice to such Person or Persons, if any, as the Court shall think fit, either specially or generally by public Advertisements; and the Order so made by the said Court, and any Orders consequent thereon, shall bind the Estate of such deceased Person in the same Manner in every respect as if there had been a duly constituted legal personal Representative of such deceased Person, and such legal personal Representative had been a Party to the Suit or Proceeding, and had duly appeared and submitted his Rights and Interests to the Protection of the Court.

Creditor, &c. may summon Executor, &c. to show Cause why an Order for Administration of Personal Estate should not be granted.

Power to Judge to order Administration of such Estate.

**XLV.** It shall be lawful for any Person claiming to be a Creditor, or a specific, pecuniary or residuary Legatee, or the next of Kin, or some or One of the next of Kin, of a deceased Person, to apply for and obtain as of course, without Bill or Claim filed, or any other preliminary Proceedings, a Summons from the Master of the Rolls or any of the Vice Chancellors requiring the Executor or Administrator, as the Case may be, of such deceased Person, to attend before him at Chambers, for the Purpose of showing Cause why an Order for the Administration of the Personal Estate of the Deceased should not be granted; and upon Proof by Affidavit of the due Service of such Summons, or on the Appearance in Person or by his Solicitor or Counsel of such Executor or Administrator, and upon Proof by Affidavit of such other

other Matters, if any, as such Judge shall require, it shall be lawful for such Judge, if in his Discretion he shall think fit so to do, to make the usual Order for the Administration of the Estate of the Deceased, with such Variations, if any, as the Circumstances of the Case may require; and the Order so made shall have the Force and Effect of a Decree to the like Effect made on the hearing of a Cause or Claim between the same Parties; provided that such Judge shall have full discretionary Power to grant or refuse such Order, or to give any special Directions touching the Carriage or Execution of such Order, and in the Case of Applications for any such Order by Two or more different Persons or Classes of Persons, to grant the same to such One or more of the Claimants or of the Classes of Claimants as he may think fit; and if the Judge shall think proper, the Carriage of the Order may subsequently be given to such Party interested, and upon such Terms as the Judge may direct.

**XLV.** A Duplicate or Copy of such Summons shall, previously to the Service thereof, be filed in the Record Office of the said Court; and no Service thereof upon any Executor or Administrator shall be of any Validity unless the Copy so served shall be stamped with a Stamp of such Office indicating the filing thereof; and the filing of such Summons shall have the same Effect with respect to Lis pendens as the filing of a Bill or Claim.

Copy of Summons to be filed in Record Office of Court.

**XLVII.** It shall be lawful for any Person claiming to be a Creditor of any deceased Person, or interested under his Will, to apply for and obtain in a summary Way, in the Manner herein-before provided with respect to the Personal Estate of a deceased Person, an Order for the Administration of the Real Estate of a deceased Person where the whole of such Real Estate is by Devise vested in Trustees who are by the Will empowered to sell such Real Estate, and authorized to give Receipts for the Rents and Profits thereof, and for the Produce of the Sale of such Real Estate; and all the Provisions herein-before contained with respect to the Application for such Order in relation to the Personal Estate of a deceased Person, and consequent thereon, shall extend and be applicable to an Application for such Order as last herein-before mentioned with respect to Real Estate.

Creditor, &c. may obtain an Order for Administration of Real Estate.

**XLVIII.** It shall be lawful for the Court in any Suit for the Foreclosure of the Equity of Redemption in any mortgaged Property, upon the Request of the Mortgagee, or of any subsequent Incumbrancer, or of the Mortgagor, or any Person claiming under them respectively, to direct a Sale of such Property, instead of a Foreclosure of such Equity of Redemption, on such Terms as the Court may think fit to direct, and if the Court shall so think fit, without previously determining the Priorities of Incumbrances, or giving the usual or any Time to redeem; provided that if such Request shall be made by any such subsequent Incumbrancer, or by the Mortgagor, or by any Person claiming under them respectively, the Court shall not direct any such Sale, without the Consent of the Mortgagee or the Persons claiming under him, unless the Party making such Request shall deposit in Court a reasonable Sum of Money, to be fixed by the Court, for the Purpose of securing the Performance of such Terms as the Court may think fit to impose on the Party making such Request.

Court may direct Sale of mortgaged Property instead of a Foreclosure on such Terms as it may think fit.

Suit not to be dismissed for Misjoinder of Plaintiffs, but Court may modify its Decree according to special Circumstances.

**XLIX.** No Suit in the said Court shall be dismissed by reason only of the Misjoinder of Persons as Plaintiffs therein, but wherever it shall appear to the Court that, notwithstanding the Conflict of Interest in the Co-Plaintiffs, or the Want of Interest in some of the Plaintiffs, or the Existence of some Ground of Defence affecting some or One of the Plaintiffs, the Plaintiffs, or some or One of them, are or is entitled to Relief, the Court shall have Power to grant such Relief, and to modify its Decree, according to the special Circumstances of the Case, and for that Purpose to direct such Amendments, if any, as may be necessary, and at the Hearing, before such Amendments are made, to treat any One or more of the Plaintiffs as if he or they was or were a Defendant or Defendants in the Suit, and the remaining or other Plaintiff or Plaintiffs was or were the only Plaintiff or Plaintiffs on the Record; and where there is a Misjoinder of Plaintiffs, and the Plaintiff having an Interest shall have died leaving a Plaintiff on the Record without an Interest, the Court may, at the Hearing of the Cause, order the Cause to stand revived as may appear just, and proceed to a Decision of the Cause, if it shall see fit, and to give such Directions as to Costs or otherwise as may appear just and expedient.

No Suit to be objected to if only declaratory Order sought.

**L.** No Suit in the said Court shall be open to Objection on the Ground that a merely declaratory Decree or Order is sought thereby, and it shall be lawful for the Court to make binding Declarations of Right without granting consequential Relief.

Court may decide between some of the Parties without making others interested Parties to the Suit.

**LI.** It shall be lawful for the Court to adjudicate on Questions arising between Parties notwithstanding that they may be some only of the Parties interested in the Property respecting which the Question may have arisen, or that the Property in question is comprised with other Property in the same Settlement, Will, or other Instrument, without making the other Parties interested in the Property respecting which the Question may have arisen, or interested under the same Settlement, Will, or other Instrument, Parties to the Suit, and without requiring the whole Trusts and Purposes of the Settlement, Will, or other Instrument to be executed under the Direction of the Court, and without taking the Accounts of the Trustees or other accounting Parties, or ascertaining the Particulars or Amount of the Property touching which the Question or Questions may have arisen: Provided always, that if the Court shall be of opinion that the Application is fraudulent or collusive, or for some other Reason ought not to be entertained, it shall have Power to refuse to make the Order prayed.

Proviso.

In case of Abatement, &c. of Suit an Order may be made, which shall have same Effect as a Bill of Revivor.

**LII.** Upon any Suit in the said Court becoming abated by Death, Marriage, or otherwise, or defective by reason of some Change or Transmission of Interest or Liability, it shall not be necessary to exhibit any Bill of Revivor or Supplemental Bill in order to obtain the usual Order to revive such Suit, or the usual or necessary Decree or Order to carry on the Proceedings; but an Order to the Effect of the usual Order to revive or of the usual Supplemental Decree may be obtained as of course upon an Allegation of the Abatement of such Suit, or of the same having become defective, and of the Change or Transmission of Interest or Liability; and an Order so obtained, when served upon the Party

Party or Parties who according to the present Practice of the said Court would be Defendant or Defendants to the Bill of Revivor or Supplemental Bill, shall from the Time of such Service be binding on such Party or Parties in the same Manner in every respect as if such Order had been regularly obtained according to the existing Practice of the said Court; and such Party or Parties shall thenceforth become a Party or Parties to the Suit, and shall be bound to enter an Appearance thereto in the Office of the Clerks of Records and Writs, within such Time and in like Manner as if he or they had been duly served with Process to appear to a Bill of Revivor or Supplemental Bill filed against him; provided that it shall be open to the Party or Parties so served, within such Time after Service as shall be in that Behalf prescribed by any General Order of the Lord Chancellor, to apply to the Court by Motion or Petition to discharge such Order on any Ground which would have been open to him on a Bill of Revivor or Supplemental Bill, stating the previous Proceedings in the Suit and the alleged Change or Transmission of Interest or Liability, and praying the usual Relief consequent thereon: Provided also, that if any Party so served shall be under any Disability other than Coverture, such Order shall be of no Force or Effect as against such Party until a Guardian or Guardians *ad litem* shall have been duly appointed for such Party, and such Time shall have elapsed thereafter as shall be prescribed by any General Order of the Lord Chancellor in that Behalf.

LIII. It shall not be necessary to exhibit any Supplemental Bill in the said Court for the Purpose only of stating or putting in Issue Facts or Circumstances which may have occurred after the Institution of any Suit; but such Facts or Circumstances may be introduced by way of Amendment into the original Bill of Complaint in the Suit if the Cause is otherwise in such a State as to allow of an Amendment being made in the Bill, and if not, the Plaintiff shall be at liberty to state such Facts or Circumstances on the Record, in such Manner and subject to such Rules and Regulations with respect to the Proof thereof, and the affording the Defendant Leave and Opportunity of answering and meeting the same, as shall in that Behalf be prescribed by any General Order of the Lord Chancellor.

LIV. It shall be lawful for the Court, in any Case where any Account is required to be taken, to give such special Directions, if any, as it may think fit, with respect to the Mode in which the Account should be taken or vouched, and such special Directions may be given, either by the Decree or Order directing such Account, or by any subsequent Order or Orders, upon its appearing to the Court that the Circumstances of the Case are such as to require such special Directions; and particularly it shall be lawful for the Court, in Cases where it shall think fit so to do, to direct that in taking the Account the Books of Account in which the Accounts required to be taken have been kept, or any of them, shall be taken as *prima facie* Evidence of the Truth of the Matters therein contained, with Liberty to the Parties interested to take such Objections thereto as they may be advised.

LV. If after a Suit shall have been instituted in the said Court in relation to any Real Estate it shall appear to the Court that it

New Facts, &c.  
after Com-  
mencement of  
Suit to be in-  
troduced as  
Amendments to  
Bill, &c.

Where Account  
required to be  
taken, Court  
may give special  
Directions as to  
the Mode of  
taking same.

Court may or-  
der Real Estate  
to be sold, if re-  
quired.

will be necessary or expedient that the said Real Estate or any Part thereof should be sold for the Purposes of such Suit, it shall be lawful for the said Court to direct the same to be sold at any Time after the Institution thereof, and such Sale shall be as valid to all Intents and Purposes as if directed to be made by a Decree or Decretal Order on the Hearing of such Cause: and any Party to the Suit in possession of such Estate, or in receipt of the Rents and Profits thereof, shall be compelled to deliver up such Possession or Receipt to the Purchaser or such other Person as the Court shall direct.

Before Sale of  
Estate Abstract  
of Title to be  
laid before some  
Conveyancing  
Counsel.

LVI. Before any Estate or Interest shall be put up for Sale under a Decree or Order of the Court of Chancery, an Abstract of the Title thereto shall, with the Approbation of the Court, be laid before some Conveyancing Counsel to be approved by the Court, for the Opinion of such Counsel thereon, to the Intent that the said Court may be the better enabled to give such Directions as may be necessary respecting the Conditions of Sale of such Estate or Interest, and other Matters connected with the Sale thereof; and when an Estate or Interest shall be so put up for Sale, a Time for the Delivery of the Abstract of Title thereto to the Purchaser or his Solicitor shall be specified in the said Conditions of Sale.

Time for Deli-  
very of Abstract.

Where Real or  
Personal Pro-  
perty is the  
Subject of Pro-  
ceedings, Court  
may allow Part  
or whole of the  
annual Income.

LVII. Where any Real or Personal Property shall form the Subject of any Proceedings in the Court of Chancery, and the Court shall be satisfied that the same will be more than sufficient to answer all the Claims thereon which ought to be provided for in such Suit, it shall be lawful for the said Court, at any Time after the Commencement of such Proceedings, to allow to the Parties interested therein, or any One or more of them, the whole or Part of the annual Income of such Real Property, or a Part of such Personal Property, or a Part or the whole of the Income thereof, up to such Time as the said Court shall direct, and for that Purpose to make such Orders as may appear to the said Court necessary or expedient.

As to Injunc-  
tions for Stay  
of Proceedings.

LVIII. The Practice of the Court of Chancery with respect to Injunctions for the Stay of Proceedings at Law shall, so far as the Nature of the Case will admit, be assimilated to the Practice of such Court with respect to Special Injunctions generally, and such Injunctions may be granted upon interlocutory Applications supported by Affidavit, in like Manner as other Special Injunctions are granted by the said Court.

Answer to be  
regarded as an  
Affidavit, on  
Motion for In-  
junction, &c.

LIX. Upon Application by Motion or Petition to the Court in any Suit depending therein for an Injunction or a Receiver, or to dissolve an Injunction, or discharge an Order appointing a Receiver, the Answer of the Defendant shall, for the Purpose of Evidence on such Motion or Petition, be regarded merely as an Affidavit of the Defendant, and Affidavits may be received and read in opposition thereto.

Where Direc-  
tions not follow-  
ed, Court may  
make Order and  
award Costs.

LX. In case any of the Directions herein contained with respect to the Practice and Course of Proceeding in the said Court of Chancery shall by Mistake of Parties fail to be followed in any Suit or Proceeding in the said Court, it shall be lawful for the said Court, if it shall think fit, upon Payment of such Costs as such Court shall direct, to make such Order giving effect to and rectifying

rectifying such Proceedings as may be justified by the Merits of the Case.

**LXI.** It shall not be lawful for the said Court of Chancery, in any Cause or Matter, to direct a Case to be stated for the Opinion of any Court of Common Law, but the said Court of Chancery shall have full Power to determine any Questions of Law which in the Judgment of the said Court of Chancery shall be necessary to be decided previously to the Decision of the Equitable Question at issue between the Parties.

Court not to direct Cases to be stated for Opinions of Law Courts.

**LXII.** In Cases where, according to the present Practice of the Court of Chancery, such Court declines to grant equitable Relief until the legal Title or Right of the Party or Parties seeking such Relief shall have been established in a Proceeding at Law, the said Court may itself determine such Title or Right, without requiring the Parties to proceed at Law to establish the same.

Court may determine legal Title.

**LXIII.** The Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, the Lords Justices of the Court of Appeal in Chancery, and the Vice Chancellors, or any Three of them, may and they are hereby required from Time to Time to make General Rules and Orders for carrying the Purposes of this Act into effect, and for regulating the Times and Form and Mode of Procedure, and generally the Practice of the said Court, in respect of the Matters to which this Act relates, and for regulating the Fees and Allowances to all Officers of the said Court and Solicitors thereof in respect to such Matters, and, so far as may be found expedient, for altering the Course of Proceeding hereinbefore prescribed in respect to the Matters to which this Act relates, or any of them; and such Rules and Orders may from Time to Time be rescinded or altered by the like Authority; and all such Rules and Orders shall take effect as General Orders of the said Court.

Lord Chancellor and Judges to make General Rules and Orders for carrying Purposes of this Act into effect.

**LXIV.** All General Rules and Orders of the Lord Chancellor, with such Advice and Assistance as aforesaid, shall immediately after the making and issuing thereof be laid before both Houses of Parliament, if Parliament be then sitting, or if Parliament be not then sitting, within Five Days after the next Meeting thereof: Provided always, that if either of the Houses of Parliament shall, by any Resolution passed within Thirty-six Days after such Rules or Orders have been laid before such Houses of Parliament, resolve that the whole or any Part of such Rules or Orders ought not to continue in force, in such Case the whole, or such Part thereof as shall be so included in such Resolution, shall, from and after such Resolution, cease to be binding.

Such General Rules and Orders to be laid before Parliament.

**LXV.** 'And whereas the present Examiners of the Court have been heretofore appointed for the Purpose only of taking the Depositions of Witnesses in private, and upon written Interrogatories prepared by Counsel: And whereas the public Examination of Witnesses orally, under the Provisions of this Act, will materially alter the Nature of the Duties and increase the Responsibility of the said Examiners: Be it therefore enacted, That it shall be lawful for the Lord Chancellor and he is hereby empowered to order and direct a Sum to be paid to each of the said Examiners, out of the Fund intituled "The Suitors Fee Fund," from and after the First of November One thousand eight

Power to Lord Chancellor to increase Salaries of Examiners.

Lord Chancellor  
may order An-  
nuity to either  
declining to act.

hundred and fifty-two, such a Sum as shall together with the Sums now payable make up the annual Sum of One thousand five hundred Pounds: Provided always, that if either of the present Examiners should feel himself unable or should decline to continue his Services in the same Office upon the Conditions provided under this Act, it shall be lawful for the Lord Chancellor to order to be paid to such Examiner retiring an Annuity of an Amount not exceeding Three Fourths of the Salary which he has hitherto received.

Construction of  
Terms.

LXVI. In the Construction of this Act the Words "Bill of Complaint" shall mean also and include Information; the Word "Affidavit" shall mean also and include Affirmation; the Expression "Lord Chancellor" shall mean and include the Lord Chancellor, Lord Keeper, and Lords Commissioners of the Great Seal of the United Kingdom for the Time being; and the Expression "General Order of the Lord Chancellor" shall mean General Order of the Lord Chancellor with such Advice and Assistance as aforesaid.

Commence-  
ment of Act.

LXVII. This Act shall commence and take effect from and after the First Day of *November* One thousand eight hundred and fifty-two; provided that it shall be lawful for the Lord Chancellor, with such Advice and Assistance as aforesaid, to make and issue any such General Rules or Orders as aforesaid at any Time after the passing of this Act, so as the same be not made to take effect before the Time appointed for the Commencement of this Act.

## SCHEDULE.

### *Form of Indorsement on Bill of Complaint.*

VICTORIA R.

To the within-named Defendant *C.D.*, greeting.

WE command you ["and every of you," *where there is more than One Defendant*], That within Eight Days after Service hereof on you, exclusive of the Day of such Service, you cause an Appearance to be entered for you in Our High Court of Chancery to the within Bill of Complaint of the within-named *A.B.*, and that you observe what Our said Court shall direct. Witness Ourself at Westminster, the                      Day of  
in the                      Year of Our Reign.

. Note.—If you fail to comply with the above Directions you will be liable to be arrested and imprisoned. Appearances are to be entered at the Record and Writ Clerks Office, Chancery Lane, London.

### *Form of Indorsement on Claim.*

VICTORIA R.

To the within-named Defendant *C.D.*, greeting.

WE command you ["and every of you," *where there is more than One Defendant*], that within Eight Days after Service hereof on you, exclusive of the Day of such Service, you cause an Appearance to be entered for you in Our High Court of Chancery to the within Claim of the within-named *A.B.*; and  
further.

further, that on the Fourteenth Day after the Service hereof, or on the Seal or Motion Day then next following, you do personally or by Counsel appear in the Court of Our Lord Chancellor before the Vice Chancellor [*naming him*] [*or*, in the Court of Our Master of the Rolls], at Ten of the Clock in the Forenoon, and then and there show Cause if you can why the said *A.B.* should not have such Relief against you as is within claimed, or why such Order as shall be just with reference to the Claim should not be made. Witness Ourself at Westminster the  
Day of                      in the                      Year of Our Reign.

Note.—Appearances are to be entered at the Record and Writ Clerks Office, Chancery Lane, London; and if you neglect to enter your Appearance, and either personally or by your Counsel to appear in the High Court of Chancery at the Place and on the Day and Hour above mentioned, you will be subject to such Order as the Court may think fit to make against you in your Absence for Payment or Satisfaction of the said Claim, or as the Nature and Circumstances of the Case may require.

### C A P. LXXXVII.

An Act for the Relief of the Suitors of the High Court of Chancery.  
[1st July 1852.]

‘ **W**HEREAS several of the Officers of the Court of Chancery have from Time to Time received and do now receive for their own Use various Fees and Emoluments for Business done and transacted by them in or by virtue of their respective Offices: And whereas it is expedient that such Officers should not henceforth retain such Fees and Emoluments for their own Use, but that they should receive adequate Salaries for the Performance of their respective Duties: And whereas it is expedient that for the Relief of the Suitors of the said Court further Provision should be made with respect to the Fees now payable by them, and that increased Facilities should be afforded for the Despatch of the Business of the said Court, and that certain Offices connected with the said Court should be abolished:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

L. From and after the Twenty-eighth Day of *October* One thousand eight hundred and fifty-two no Officer of the Court of Chancery or of any of the Judges thereof shall be entitled to receive and retain for his own Use any Fee or Reward whatsoever, and all Officers of the Court of Chancery and of the Judges thereof now entitled to receive and retain any Fees or other Payments for their own Use, which by virtue of this Act they will cease so to receive after the Twenty-eighth Day of *October* One thousand eight hundred and fifty-two, and whose Salaries are not fixed by this Act, shall, while they continue to hold their respective Offices, receive in lieu of all Fees or other Payments whatsoever now received by or paid or payable to them for their own

No Officer hereafter to receive Fees for his own Use, but all Officers to be paid by Salary.



Use such Salary as, having regard to the Emoluments heretofore received by them, and to the Nature and Tenure of such Offices, the Commissioners of Her Majesty's Treasury shall think just, and upon the present Holders of such Offices respectively ceasing to hold the same the Commissioners of Her Majesty's Treasury shall fix the Salaries to be thereafter received in respect thereof with reference to the Nature and Duties of such Offices respectively.

Officers to continue to receive Fees until Lord Chancellor shall otherwise direct, and pay them into the Suits Fee Fund.

II. It shall be lawful for all Officers of the Court of Chancery and of the Judges thereof heretofore entitled to receive any Fees or Emoluments for their own Use, and for their Successors in their respective Offices, and their several and respective Clerks or Agents, to continue to receive and take all and every the Fees and Emoluments which have been accustomed to be paid to them, until the Lord Chancellor shall by any Order or Orders otherwise direct, and all such Fees and Emoluments as shall accrue and be received by such Officers respectively, from and after the Twenty-eighth Day of *October* One thousand eight hundred and fifty-two, shall be accounted for and paid by them respectively once in every Month into the Bank of *England*, in the Name of the Accountant General of the Court of Chancery, to be placed to the Account there, intituled "The Suits Fee Fund Account," the Amount so received and paid by such Officers respectively to be verified by the Affidavit of the accounting Party.

Officers not to take Gratuities.

III. From and after the Twenty-eighth Day of *October* One thousand eight hundred and fifty-two, if any Officer of the Court of Chancery or of any of the Judges thereof shall, for anything done or pretended to be done relating to his Office, Situation, or Employment, or under colour of doing anything relating to his Office, Situation, or Employment, wilfully take, demand, receive, or accept, or appoint or allow any Person whatsoever to take for him or on his Account, or for or on account of any Person by him named, any Fee, Gift, Gratuity, or Emolument, or anything of Value, other than his Salary and what is allowed or directed to be taken by him under this Act or any Order to be made under this Act, the Person so offending, when duly convicted, shall forfeit and pay the Sum of Five hundred Pounds, and shall be removed from any Office, Situation, or Employment he may hold in the said Court, and shall be rendered and he is hereby rendered incapable for ever thereafter of holding any Office, Situation, or Employment in the said Court, or otherwise serving Her Majesty, Her Heirs or Successors.

How Offenders to be prosecuted.

IV. Any such Offender may be prosecuted either by Information at the Suit of Her Majesty's Attorney General, or by Criminal Information before Her Majesty's Court of Queen's Bench, or by Indictment.

Allowances for copying to cease, and Power to Lord Chancellor to make Regulations as to Copies.

V. From and after the Twenty-eighth Day of *October* One thousand eight hundred and fifty-two the several Allowances for copying provided for and directed to be paid to the Clerk of Reports, the Clerks of Entries, the Assistant Clerk of Affidavits, the Clerks of the Examiners, and the Copying or Writing Clerks of the Masters in Ordinary of the said Court, by any Act or Acts of Parliament now in force, shall cease; and it shall be lawful for the Lord Chancellor, by any Order or Orders to be from Time

to Time made by him, to make such Regulations as to the making and delivering Copies of the Pleadings and other Proceedings in the said Court, and of the Documents relating thereto, and the Manner in which such Copies should be paid for, and the Amount of Charge for the same, and by whom the Amount to be so charged should be received, as may from Time to Time seem expedient.

VI. It shall be lawful for the Lord Chancellor, by any Order or Orders to be from Time to Time made by him, to vary, reduce, or abolish all or any of the Fees payable in relation to Proceedings in the Court of Chancery, and to substitute One or more Fee or Fees in lieu thereof, and to direct that all or any of such Fees shall, from a Day to be named in such Order or Orders and thenceforth, be collected by means of Stamps to be provided and used in manner herein-after mentioned.

Lord Chancellor may vary, &c. Fees, and provide for their Collection by Stamps.

VII. From and after the Day named in such Order or Orders, unless and until the Lord Chancellor shall otherwise direct, none of the Fees mentioned in such Orders respectively shall be received in Money, but by a Stamp denoting the Amount of the Fee which otherwise would be payable; and where any Fee shall be payable in respect of any Document such Stamp shall, at the Expense of the Party liable to pay the Fee, and in such Manner and under such Regulations as shall by any Order or Orders be directed, be stamped or affixed on the Vellum, Parchment, or Paper on which the Proceeding in respect whereof such Fee is payable is written, printed, or ingrossed, or which may be otherwise used in reference to such Proceeding.

After such Order, Fees not to be received in Money, but by means of Stamps.

VIII. The Commissioners of Inland Revenue shall from Time to Time, upon the Receipt of any Order of the Lord Chancellor in that Behalf, give the necessary Directions for carrying the same into effect, and shall provide everything that is requisite for that Purpose, and shall do or cause to be done everything that is necessary for the Receipt and Collection of the Money to be paid for such Stamps; and the said Commissioners shall cause separate and distinct Accounts to be kept of all Sums of Money received or collected by them under the Provisions of any such Order or Orders, and of all Costs, Charges, and Expenses incurred by them or by their Direction in carrying the same into effect, and it shall be lawful for the said Commissioners to pay and to deduct and retain out of such Monies all such Costs, Charges, and Expenses, and also to deduct all Sums of Money repaid on Allowances for spoiled Stamps, as herein-after provided for; and after such Deduction they shall from Time to Time, and in such Manner as the Lord Chancellor shall by any Order direct, pay the Monies so to be received and collected into the Bank of *England*, to the Credit of the Accountant General of the Court of Chancery, to be placed to the Account there, intituled "The Suitors Fee Fund Account."

Commissioners of Inland Revenue to give the necessary Directions as to the Stamps, to keep separate Accounts, and pay Monies into Suitors Fee Fund.

IX. It shall be lawful for the Lord Chancellor to direct any of the Officers of the Court of Chancery whose Duties may be diminished in consequence of the Substitution of Stamps for Money Payments, or otherwise, under this Act, to act under the Directions of the Commissioners of Inland Revenue in the Sale and Distribution of all or any of the Stamps to be used under this

Provision for Sale of Stamps.

Act:

Act: Provided always, that in case it appear to the Lord Chancellor, having reference to the Duties to be performed by such Officers or any of them, that it is not convenient that they should act as aforesaid in the Sale and Distribution of Stamps, it shall be lawful for the Commissioners of Inland Revenue to appoint Persons for such Sale and Distribution, and to allow to such Persons so appointed by them such Discount or Poundage as they may think fit.

Commissioners of Inland Revenue may make Regulations as to Allowance for spoiled Stamps.

X. It shall be lawful for the Commissioners of Inland Revenue from Time to Time to make such Regulations as they shall think fit for the Allowance of such Stamps, issued under the Provisions of this Act, as may have been spoiled or rendered useless or unfit for the Purpose intended, or for which the Owner may have no immediate Use, or which through Mistake or Inadvertence may have been improperly or unnecessarily used, and such Allowance shall be made either by giving other Stamps in lieu of the Stamps so allowed, or by repaying the Amount or Value to the Owner or Holder thereof, after deducting the Discount or Poundage (if any) allowed on the Sale of Stamps of the like Kind.

Provisions of former Acts relating to Stamps to be applicable to Stamps under this Act.

XI. The Provisions contained in the several Acts for the Time being in force relating to Stamps under the Care or Management of the Commissioners of Inland Revenue shall (so far as the same are applicable and consistent with the Provisions of this Act), in all Cases not hereby expressly provided for, be of full Force and Effect with respect to the Stamps to be provided under or by virtue of this Act, and to the Vellum, Parchment, or Paper on or to which the same Stamps shall be impressed or affixed, and be applied and put in execution for collecting and securing the Sums of Money denoted thereby, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually to all Intents and Purposes as if such Provisions had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Sums of Money respectively.

No Document to be received or used unless stamped.

XII. No Document which by any Order or Orders to be respectively made as aforesaid shall be required to have a Stamp impressed thereon or affixed thereto shall be received or filed, or be used in relation to any Proceeding in the Court of Chancery, or be of any Validity for any Purpose whatsoever, unless or until the same shall have a Stamp impressed thereon or affixed thereto, in the Manner directed by such Order: Provided always, that if at any Time it shall appear that any such Document which ought to have had a Stamp impressed thereon or affixed thereto has, through Mistake or Inadvertence, been received or filed or used without having such Stamp impressed thereon or affixed thereto, it shall be lawful for the Lord Chancellor, if he think fit, to order that such Stamp shall be impressed thereon or affixed thereto, and thereupon, when a Stamp shall have been impressed on such Document or affixed thereto, in compliance with any such Order, such Document, and every Proceeding in reference thereto, shall be as valid and effectual as if such Stamp had been impressed thereon or affixed thereto in the first instance.

Officers guilty of Fraud or wilful Neglect in

XIII. If any Officer of the Court of Chancery or other Person shall do or commit or connive at any fraudulent Act or Practice in

in relation to any Stamp to be used under the Provisions of this Act, or to any Fee or Sum of Money to be collected or which ought to be collected by means of any such Stamp, or if any such Officer or Person shall be guilty of any wilful Act, Neglect, or Omission in relation to any such Stamp or Fee as aforesaid, whereby any Fee or Sum of Money which ought to be collected for the Benefit of the said Fee Fund shall be lost to the said Fee Fund, or the Payment thereof evaded, every such Officer or Person so offending shall be dismissed from his Office or Employment, if the Lord Chancellor shall think fit so to order.

relation to  
Stamps liable to  
be dismissed.

XIV. It shall be lawful for the Lord Chancellor, intrusted by virtue of the Queen's Sign Manual with the Care and Commitment of the Custody of the Persons and Estates of Persons found idiot, lunatic, or of unsound Mind, by any Order or Orders, to be from Time to Time made by the Lord Chancellor, intrusted as aforesaid, to abolish all or any of the Fees payable in relation to Proceedings in Lunacy, and to direct that such of the Fees as shall not be abolished, if any, shall be collected by means of Stamps in the Manner herein-before provided with respect to Fees payable in relation to Proceedings in the Court of Chancery, and also to direct that in lieu of all or any of such Fees a Per-centage or *ad valorem* Payment shall be paid on the clear annual Incomes of the Persons found idiot, lunatic, or of unsound Mind, and on the Amount of the taxed Costs incurred in Proceedings in Lunacy, or on such annual Incomes only, or on the Amount of such taxed Costs only, the Amount of such annual Incomes as aforesaid, and the Amount of the Per-centage or *ad valorem* Payment to be paid thereon and on such taxed Costs, to be from Time to Time ascertained and fixed in such Manner, by such Means, and under such Regulations as the Lord Chancellor, intrusted as aforesaid, shall by any Order or Orders direct, and the Amount of such Per-centage or *ad valorem* Payment to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Chancery, to be placed to the Account there, intituled "The Suitors Fee Fund Account," at such Times and by such Persons as the Lord Chancellor, intrusted as aforesaid, shall by any Order or Orders direct: Provided always, that the Amount to be raised by such Per-centage or *ad valorem* Payment shall not exceed the Amount which may from Time to Time be required to provide for the Payment of the Salaries, Expenses, and Sums of Money payable under the Act of the Session holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Eighty-four, or any other Acts or Act of Parliament for the Time being in force with respect to Lunatics; and that a Statement of the Amount of such Per-centage or *ad valorem* Payment shall from Time to Time, within Fourteen Days next after the same shall have been settled, be laid on the Table of the House of Commons, if Parliament shall be then assembled, or if Parliament shall not be then assembled, then within Fourteen Days after the Meeting of Parliament then next following.

Power to abolish Fees in Lunacy, and to substitute a Per-centage in lieu thereof.

XV. All the Jurisdiction, and all the Powers and Authorities of a judicial Nature, given by the Act of the Session holden in the First Year of the Reign of King *William* the Fourth, Chapter Sixty-five, by "The Trustee Act, 1850," and by any other Acts

Certain Statutory Jurisdiction of Lord Chancellor as to Lunatics to  
or

be exercised by  
Persons for the  
Time being in-  
trusted.

or Act of Parliament now in force, to the Lord Chancellor, intrusted by virtue of the Queen's Sign Manual with the Care and Commitment of the Custody of the Persons and Estates of Persons found idiot, lunatic, or of unsound Mind, shall belong to and may be exercised by all or any of the Persons or Person for the Time being intrusted as aforesaid.

Salaries of Lord  
Chancellor and  
Judges of the  
Court of Chan-  
cery to be paid  
out of the Con-  
solidated Fund.

XVI. 'And whereas under certain Acts of Parliament now in force the Salaries of the Master of the Rolls, and of the Vice Chancellor appointed under the Act of the Session holden in the Fifty-third Year of the Reign of King *George* the Third, Chapter Twenty-four, are payable out of and charged upon the Consolidated Fund of the United Kingdom, but the Salary of the Lord Chancellor (except that Portion thereof payable to him as Speaker of the House of Lords), and the Salaries of the Lords Justices of the Court of Appeal in Chancery, and of the other Vice Chancellors, are payable out of the Interest and Dividends arising from the Government or Parliamentary Securities placed in the Name of the Accountant General of the Court of Chancery which have been purchased from Time to Time with Monies taken out of the Common and General Cash belonging to the Suitors of the Court of Chancery, and lying dead and unemployed in the Bank of *England*: And whereas it is expedient that the Salaries of all the Judges of the Court of Chancery should be paid out of the Consolidated Fund of the United Kingdom, instead of out of the Interest of the Securities purchased with the Cash of the Suitors as aforesaid: Be it therefore enacted, That from and after the Tenth Day of *October* One thousand eight hundred and fifty-two there shall be issued and paid and payable out of and charged and chargeable upon the Consolidated Fund of the United Kingdom, after paying or reserving sufficient to pay all such Sums of Money as by any Acts of Parliament now in force have been directed to be paid thereout, but with Precedence to all other Payments which shall hereafter be charged thereupon, the annual Salaries herein-after mentioned; that is to say, to the Lord Chancellor such yearly Sum as with the Salary or Sum payable to him as Speaker of the House of Lords, to be certified as directed by the Act of the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, Chapter Eighty-three, shall be sufficient to make up the net yearly Sum of Ten thousand Pounds; to each of the Lords Justices of the Court of Appeal in Chancery, Six thousand Pounds; to the Vice Chancellor for the Time being appointed under the Act passed in the Fifth Year of the Reign of Her present Majesty, Session One, Chapter Five, Five thousand Pounds; and to the Vice Chancellor appointed under the Act of the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, Chapter Four, Five thousand Pounds; all which Salaries shall be in lieu of all Salaries theretofore payable to such Judges respectively, out of any Fund whatsoever, under any Acts or Act of Parliament now in force, and shall be payable and paid quarterly, free and clear from all Taxes and Deductions whatsoever, on the Four usual Days of Payment in the Year; that is to say, the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year, by equal Portions,

Portions, the First Payment to be made on the Fifth Day of *January* One thousand eight hundred and fifty-three, and a proportionate Part of such Salaries respectively to be paid for the Quarter current at the Death or Resignation of any of the Persons in the Receipt of such Salaries.

XVII. So much of the Act of the First Session holden in the Fifth Year of the Reign of Her present Majesty, Chapter Five, as enacts, that the Accountant General of the High Court of Chancery shall, on or before the First Day of *September* in every Year, pay into the Bank, to an Account, intituled "An Account of Interest arising from Securities carried to an Account of Money placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," the Sum of One hundred and fifty Pounds, shall be repealed.

Repeal of Section 61, of 5 Vict. c. 5.

XVIII. From and after the Twenty-eighth Day of *October* One thousand eight hundred and fifty-two, the Brokerage which shall or may from Time to Time be received by the present Accountant General of the Court of Chancery shall be paid by him into the Bank of *England*, to be there placed to his Credit as such Accountant General, to the Account intituled "The Suitors Fee Fund Account," at such Times and under such Regulations as the Lord Chancellor shall from Time to Time by any Order direct.

Brokerage received by Accountant General to be paid into Suitors Fee Fund.

XIX. From and after the Twenty-eighth Day of *October* One thousand eight hundred and fifty-two, there shall be paid to the present Accountant General of the Court of Chancery, in lieu of the Brokerage heretofore received by him for his own Benefit, and in addition to the Salary and Allowance for Books and Stationery now received by him as Accountant General, the net yearly Salary of Two thousand seven hundred Pounds.

Salary to be paid to present Accountant General in lieu of Brokerage;

XX. Nothing herein contained shall affect the Rights, Privileges, or Duties to which the present Accountant General is entitled or which he is liable to perform as One of the Masters in Ordinary of the Court of Chancery.

Not to affect his Rights as a Master in Ordinary.

XXI. It shall be lawful for the Commissioners of Her Majesty's Treasury to make such Regulations with respect to the Broker to be employed in transacting the Business relating to the Funds of the Court of Chancery, and the Amount of Commission to be received by such Broker, or the Payment of such Broker by Salary or otherwise, as they shall from Time to Time think fit.

Power to Treasury to make Regulations as to Brokerage.

XXII. From and after the Resignation or Death of the present Accountant General the Salary provided for the Accountant General of the said Court by the Act of the Session holden in the Twelfth Year of the Reign of King *George* the Second, Chapter Twenty-four, and the Act of the Session holden in the Ninth Year of the Reign of King *George* the Third, Chapter Nineteen, shall cease, and there shall be paid to the Accountant General of the said Court for the Time being the net yearly Salary of Three thousand Pounds.

Salary of all future Accountants General to be 3,000*l.* per Annum.

XXIII. From and after the Twenty-eighth Day of *October* One thousand eight hundred and fifty-two, the following Officers shall be removed, and their respective Offices shall cease and determine; that is to say, the Keeper or Clerk of Her Majesty's Hanaper, Deputy Clerk of the Hanaper, the Secretary of Decrees and Injunctions, One of the Two Gentlemen of the Chamber attending

Certain Officers of Lord Chancellor removed, and their Offices abolished.

attending the Great Seal, the Chaff Wax, the Deputy Chaff Wax, the Sealer, and the Deputy Sealer, and the Duties theretofore performed by the Secretary of Decrees and Injunctions shall thenceforth be performed by the Clerks of Records and Writs, and the respective Duties of the Offices of the Keeper or Clerk of Her Majesty's Hanaper and of Chaff Wax and Sealer shall thenceforth be performed by the Clerk of the Crown in Chancery and the Pursebearer to the Lord Chancellor respectively, as directed by the Act of the Session holden in the Third and Fourth Years of the Reign of King *William* the Fourth, Chapter Eighty-four, upon such Offices becoming vacant by the Death, Resignation, or Removal of the then respective Holders thereof, and such Pursebearer shall be thenceforth entitled to such yearly Sums for the Expenses of the Offices of Chaff Wax and Sealer as are by the said last-mentioned Act directed to be paid to him.

Certain Officers  
of the Lord  
Chancellor to be  
paid by Salary  
in lieu of Fees.

XXIV. From and after the Twenty-eighth Day of *October* One thousand eight hundred and fifty-two, there shall be paid to the Officers of the Lord Chancellor next herein-after named, in lieu of all Fees heretofore received by them respectively for their own Use, the following yearly Salaries; that is to say, to the principal Secretary of the Lord Chancellor One thousand two hundred Pounds, to the Gentleman of the Chamber attending the Great Seal Five hundred Pounds, to the Pursebearer to the Lord Chancellor Five hundred Pounds, and to the Trainbearer to the Lord Chancellor Two hundred Pounds; and it shall be lawful for the Lord Chancellor to appoint a Clerk to be employed in the Office of such principal Secretary, which Clerk shall receive by way of Salary such annual Sum not exceeding Two hundred Pounds, as the Lord Chancellor shall from Time to Time direct.

Secretary of  
Presentations  
and Secretary of  
Commissions of  
the Peace to ac-  
count for Fees,  
&c.

XXV. From and after the Tenth Day of *October* One thousand eight hundred and fifty-two, the Persons or Person holding the Offices of Secretary of Presentations and Secretary of Commissions of the Peace shall account for all the Fees and Emoluments payable to and received by them or him by virtue of such Offices, and shall pay such Fees and Emoluments once in every Six Months into the Receipt of Her Majesty's Exchequer, and the same, when so paid, shall be carried to and made Part of the Consolidated Fund of the United Kingdom, the Amount so received and paid to be verified by the Affidavit of the accounting Party.

The Persons or  
Person holding  
such last-men-  
tioned Offices  
to receive the  
yearly Sum of  
800*l*.

XXVI. From and after the Tenth Day of *October* One thousand eight hundred and fifty-two, there shall be paid to the Persons or Person for the Time being holding such last-mentioned Offices the yearly Sum of Eight hundred Pounds, to be divided between such Persons, in case such Offices should be held by different Persons, in such Proportions as the Lord Chancellor shall direct, and such yearly Sum shall be issued and paid and payable out of and be charged and chargeable upon the Consolidated Fund of the United Kingdom (after paying or reserving sufficient to pay all such Sums of Money as by any Acts of Parliament now in force have been directed to be paid thereout, but with Precedence to all other Payments which shall hereafter be charged thereupon), and shall be payable and paid quarterly, free and clear from all Taxes and Deductions whatsoever, on the Four usual Days of Payment in the Year; that is to say, the Fifth Day  
of

of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year, by equal Portions, the First Payment to be made on the Fifth Day of *January* One thousand eight hundred and fifty-three, and a proportionate Part thereof to be paid for the Quarter current at the Death or Resignation of the Persons or Person in the Receipt of such yearly Sum.

XXVII. From and after the Twenty-eighth Day of *October* One thousand eight hundred and fifty-two, the Offices of the Patentee of the Subpœna Office, the Deputy of the Patentee of the Subpœna Office, the Clerk of Affidavits, the Assistant Clerk of Affidavits, the Second Assistant Clerk of Affidavits, the Clerk of Reports, the Doorkeeper of the Court of Chancery, and the Crier of the Court of Chancery, and the Office of Usher of the Court of Chancery now held by *Thomas Francis Le Dieu*, shall be abolished.

Certain Offices abolished.

XXVIII. From and after the Twenty-eighth Day of *October* One thousand eight hundred and fifty-two, the Execution of the Duties of the Subpœna Office shall be transferred to the Clerks of Records and Writs, and such Duties shall be performed by them in such Manner as they are directed to perform the same by the Act of the Session holden in the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter One hundred and five, after the Death, Resignation, or Removal from his Office of the present Patentee of the Subpœna Office.

Duties of Subpœna Office transferred to Clerks of Records and Writs.

XXIX. From and after the Twenty-eighth Day of *October* One thousand eight hundred and fifty-two, the Duties of the Affidavit Office of the Court of Chancery shall be performed by the Clerks of Records and Writs, but Affidavits or Affirmations may be sworn, affirmed, or attested upon Honour and Declarations made before the Clerk of Inrolments for the Time being, as Occasion may require, for the better Despatch of Business; and the Duties of the Clerk of Reports shall be performed by such Person or Persons as the Lord Chancellor shall appoint for that Purpose, and such Person or Persons shall be entitled under this Act to such Salary or Salaries as the Commissioners of Her Majesty's Treasury shall by any Order direct, provided that the whole Amount of such Salaries shall not in any One Year exceed the Sum of Four hundred Pounds.

Duties of Affidavit Office to be performed by Clerks of Records and Writs.

XXX. Every Order made in Matters in Lunacy by the Lord Chancellor, or the Person or Persons intrusted as aforesaid, when drawn up by the Secretary of Lunatics, and signed by the Lord Chancellor, or the Persons or Person intrusted as aforesaid, shall be entered by such Secretary, who shall be henceforth called the Registrar in Lunacy, in a proper Book to be provided by him for that Purpose; and he shall furnish to every Person requiring the same Office Copies of such Orders, or of such Part thereof as may be required, which Copies shall be signed by such Registrar in Lunacy, and he shall provide a Seal for his Office, and shall cause to be sealed or stamped therewith all such Office Copies as aforesaid; and every such Office Copy, purporting to be so signed, and sealed or stamped with such Seal, shall at all Times, and on behalf of all Persons, and whether for the Purposes of this Act or otherwise, be admitted as Evidence of the Order of which it purports to be a Copy, without any further Proof thereof.

Orders in Lunacy, when signed, to be entered by the Registrar, and Office Copies to be furnished by him; the Accountant General to act upon such Orders.

XXXI. Where



Orders in Lunacy in certain Cases to be acted upon in the same Manner as if drawn up by the Registrar of the Court of Chancery.

XXXI. Where any such Order in Lunacy relates to the Payment, Transfer, or carrying over of any Cash, Stocks, Funds, Annuities, Securities, or other Effects, to or into the Name of the Accountant General of the Court of Chancery, to the Credit of the Matter of any Person or Persons being idiot, lunatic, or of unsound Mind, or to the Payment, Transfer, or carrying over, or other Disposal by the said Accountant General of any Cash, Stocks, Funds, Annuities, Securities, or other Effects which may be standing in his Name to the Credit of the Matter of any Person or Persons being idiot, lunatic, or of unsound Mind, the said Accountant General, and all other Persons, including the Governor and Company of the Bank of *England*, and all other Companies and Societies, shall act upon such Order, signed by the Lord Chancellor, or the Persons or Person intrusted as aforesaid, after the same shall have been so entered as aforesaid, in the same Manner as if such Order had been also drawn up by the Registrar of the Court of Chancery, and passed and entered according to the Mode heretofore in force; and the Registrar in Lunacy shall certify under his Hand to the said Accountant General what Stocks or Funds he is by virtue of any such Order to transfer, and to whom, in the same Manner as the Registrars of the Court of Chancery have been heretofore accustomed to do.

Certificates and Reports of Masters in Lunacy to be only filed in Office of Registrar.

XXXII. It shall not be necessary hereafter to file any Certificate or Report of the Masters in Lunacy in the Report Office of the Court of Chancery, but the said Accountant General, and all other Persons including as aforesaid, shall act upon all Certificates and Reports of the Masters in Lunacy, filed in the Office of the Registrar in Lunacy, in the same Manner as if such Certificates and Reports respectively had been also filed in the Report Office of the Court of Chancery according to the Mode heretofore in force.

Forging the Signature of Registrar of Lunacy, or of his Seal, to be Felony.

XXXIII. If any Person shall forge the Signature of the Registrar in Lunacy, or shall forge or counterfeit the Seal of his Office, or knowingly concur in using any such forged or counterfeit Signature or Seal, or shall tender in Evidence any Document with a false or counterfeit Signature of such Registrar, or with a false or counterfeit Seal, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall be liable to the same Punishment as any Offender under an Act of the Session holden in the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter One hundred and thirteen.

Master of Reports and Entries to countersign Cheques, &c.;

XXXIV. ' And whereas all Notes and Cheques for the Payment of Money drawn by the Accountant General of the Court of Chancery upon the Bank of *England* have been heretofore countersigned by the Registrars of the said Court, in pursuance of the Provisions of the Act of the Session holden in the Twelfth Year of the Reign of King *George* the First, Chapter Thirty-two: And whereas all Copies and Extracts taken from the Registrar's Books deposited in the Office of the Master of the Reports and Entries have been heretofore signed by the said Registrars: And whereas the Performance of such Duties by the said Registrars is attended with Inconvenience, and interrupts them in the Execution of their other Duties; and it is expedient that the Master of Reports and Entries should be empowered

' empowered to sign such Documents as well as the said Registrars : ' Be it therefore enacted, That the Duties relating to the countersigning the Notes or Cheques drawn by the Accountant General of the said Court upon the Bank of *England*, and to the signing the Copies and Extracts made in or issuing from the Office of the Master of Reports and Entries, heretofore performed by the Registrars of the said Court, so far as it shall be found necessary or expedient to continue such Duties, shall be performed by the Master of Reports and Entries, or the Registrars of the said Court, in such Manner and under such Rules and Regulations as the Lord Chancellor shall from Time to Time by any Order direct.

XXXV. The Master of Reports and Entries shall also perform all such other Duties as the Lord Chancellor shall from Time to Time by any Order direct. and to perform other Duties as directed.

XXXVI. ' And whereas under an Order of the said Court recited in the said last-mentioned Act, and thereby confirmed, an Account of all Monies, Securities, and Effects belonging to the Suitors of the said Court was directed to be kept at the Report Office : And whereas, since the passing of such Act, Three Accounts of such Monies, Securities, and Effects have been respectively kept, that is to say, One at the Report Office by the Clerks of Accounts, another in the Office of the Accountant General of the said Court, and a Third at the Bank of *England* : And whereas it is considered that the Account so kept at the Report Office is no longer necessary, and may be discontinued : ' Be it therefore enacted, That from and after the First Day of *October* One thousand eight hundred and fifty-two, the Account so kept at the Report Office as aforesaid shall be discontinued, and the Offices of Clerks of Accounts shall be abolished, and so much of the said last-mentioned Order as requires, that when any Money belonging to the Suitors of the said Court should be directed to be paid by Order of the said Court the Note drawn for such Money upon Cheque Paper, as thereby directed, should be carried to the Report Office, and an Entry made thereof there, and Intratur written thereon, shall be repealed ; and from and after the First Day of *October* One thousand eight hundred and fifty-two, every Note or Cheque for the Payment of Money, under any Order of the said Court, signed by the Accountant General of the said Court and countersigned by the Master of Reports and Entries, or One of the Registrars of the said Court, as herein-before required, shall be sufficient Authority to the Bank of *England* to pay the Money mentioned in such Note or Cheque to the Person named therein, or to such Person as he or she, by Indorsement, shall order to receive the same. Account of Monies of the Suitors of the Court kept at the Report Office to be discontinued, and Offices of Clerks of Accounts abolished

XXXVII. It shall be lawful for the Lord Chancellor from Time to Time to make and issue such General Orders as he shall think fit, as well in relation to any Matter connected with the Offices by this Act abolished, and not hereby otherwise provided for, as for carrying the Provisions of this Act into execution, and also all such other Rules and Orders as he shall think fit for altering and regulating the Business of the several Offices of the said Court. Lord Chancellor to make General Orders for carrying Act into effect.

Orders under this Act may be varied.

Duties and Salaries of Clerks in Accountant General's Office.

Amount of Salaries to Clerks of Taxing Masters.

Deposits on Appeals to be paid into Bank, and placed to "The Appeal Deposit Account."

Persons may sell by Auction, under an Order of the Court of Chancery, without being liable to Duty imposed by 8 & 9 Vict. c. 15.

XXXVIII. Any Order or Orders for the Time being made under this Act may from Time to Time be annulled, altered, or varied by the like Authority by which any such Order or Orders shall have been made, and new Orders may from Time to Time be made for any of the Purposes of this Act by the Authority by which Orders are hereby authorized to be made.

XXXIX. It shall be lawful for the Lord Chancellor, if he shall see fit, to authorize and direct the First, Second, and Third Clerks in each Division of the Office of the said Accountant General, from and after the Twenty-eighth Day of *October* One thousand eight hundred and fifty-two, to continue to perform the Acts or Duties hitherto performed by such Clerks, in addition to the Duties prescribed by Act of Parliament, as heretofore, in exclusion of any other Person, and to direct them to be paid such yearly Salaries as the Lord Chancellor, with the Consent of the Commissioners of Her Majesty's Treasury, shall think just; and it shall be lawful for the Lord Chancellor to fix the Fees to be paid for such Acts as aforesaid, which shall be accounted for in like Manner as the other Fees now received in the Office of the said Accountant General.

XL. Instead of the Salaries directed to be paid by the Act of the Session holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter One hundred and three, to the Clerks of the Taxing Masters of the Court of Chancery, every such Clerk shall, from and after the Third Day of *November* One thousand eight hundred and fifty-two, be entitled to a Salary of Three hundred and fifty Pounds *per Annum*.

XLI. The Deposit now payable on setting down Appeals and Exceptions for Hearing shall continue to be payable, and such Deposits shall be paid to and received by the Senior Registrar of the Court of Chancery for the Time being, who shall once in every Three Months pay all Sums so received by him into the Bank of *England* to the Credit of the Accountant General of the said Court (the Amount so received and paid by such Registrar to be verified by Affidavit), and the several Sums when so paid in shall be from Time to Time placed to an Account to be intitled "The Appeal Deposit Account," and the Monies which shall from Time to Time be standing to such Account shall be paid and applied as the Court of Chancery shall from Time to Time in that Behalf order or direct.

XLII. ' And whereas by the Act of the Session holden in the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter Fifteen, a certain Duty of Excise is imposed upon every Licence to be taken out by every Person exercising or carrying on the Trade or Business of an Auctioneer in any Part of the United Kingdom; and it is thereby enacted, that every Person who exercises or carries on the Business of an Auctioneer, or who acts in such Capacity at any Sale or Roup, and every Person who sells or offers for Sale any Goods or Chattels, Lands, Tenements, or Hereditaments, or any Interest therein, at any Sale or Roup where any Person or Persons become the Purchaser of the same by Competition, and being the highest Bidder, or by any other Mode of Sale by Competition, shall, except as herein-after mentioned, be deemed to carry on the Trade or Business of  
' an

‘ an Auctioneer, and shall be required to take out such Licence as thereby directed; and that every Person who carries on the Trade or Business of an Auctioneer as aforesaid without taking out such Licence shall, except as therein-after mentioned, forfeit One hundred Pounds: And whereas Doubts have arisen whether any Sale or Sales by way of Auction can now be made under any Order or Decree of the Court of Chancery before any Officer of the said Court, or the Persons by such Officer in that Behalf appointed, without rendering such Officer or other Person liable to take out such Licence as by the said last-mentioned Act is directed to be taken out by all Persons acting as Auctioneers; and it is expedient that such Doubts should be removed:’ Be it therefore enacted, That it shall be lawful for any Master in Ordinary of the Court of Chancery, and for the Chief Clerk of any such Master, and for every other Person appointed in that Behalf by any such Master, to sell any Goods or Chattels, Lands, Tenements, or Hereditaments, or any Interests therein, under any Decree or Order of the said Court, by Auction or by any other Mode of Sale by Competition, without any Licence as an Auctioneer, and without being liable to the Duty imposed by the said last-mentioned Act, or any other Act or Acts now in force.

XLIII. The Masters in Ordinary of the Court of Chancery and their Chief Clerks shall be discharged and freed from all Suits, Prosecutions, Liabilities, Pains, and Penalties to which they or any or either of them are or is or might be liable for or on account of any Sale by or by way of Auction or Competition heretofore made or conducted by or before them or any or either of them.

XLIV. It shall be lawful for the Keeper or Clerk of Her Majesty’s Hanaper, Deputy Clerk of the Hanaper, the Patentee of the Subpœna Office, and for every Officer of the Court of Chancery, and for every Officer or Person employed in the Offices of the Masters in Lunacy, or the Registrar in Lunacy, whose Salary or Emoluments shall be taken away or diminished by the Operation of this Act, or by the Rules and Orders to be made thereunder, to make a Claim for Compensation to the Commissioners of Her Majesty’s Treasury for the Time being, and such Commissioners are hereby required, within the Space of Six Calendar Months after any such Claim shall have been made, by Examination upon Oath or otherwise (which Oath they and each of them are and is hereby authorized to administer), to inquire whether any and if any what Compensation ought to be made to such Clerk of the Hanaper, Deputy Clerk of the Hanaper, Patentee of the Subpœna Office, and to any Officer or Person claiming such Compensation, the said Commissioners having regard to the Conditions on which the Appointment of any such Officer or Person was made, or to any Notice which at the Time of such Appointment may have been given to such Officer or Person that his Office was to be holden subject to any Provision by Parliament for the Abolition or Regulation thereof, but with full Power for the said Commissioners to investigate and determine whether from the Nature of the Office or Mode of Accession thereto any such Conditions or Notice could have been properly made or given, and also having regard to the holding of any Office, Place, or Situation in the said Court by such Officer or

Indemnity in respect of former Sales.

Officers whose Emoluments are diminished in consequence of this Act may make Claim for Compensation to Commissioners of Treasury.

Person ; and in all Cases in which it shall appear to the said Commissioners that Compensation ought to be granted, it shall be lawful for the said Commissioners, by Warrant under their Hands, to order and direct that such annual Compensation shall be made to the Persons so claiming such Compensation as aforesaid, or any of them, as to the said Commissioners in their Discretion shall seem just and reasonable ; and all such Compensations shall be paid and payable out of such Funds and in such Manner as is herein-after in that Behalf directed : Provided always, that an Account of all such Compensations shall, within Fourteen Days next after the same shall be so granted, be laid upon the Table of the House of Commons, if Parliament shall be then assembled, or if Parliament shall not be then assembled then within Fourteen Days after the Meeting of Parliament then next following.

Payments to be made to Persons whose Offices are abolished.

XLV. Every Person now holding any Freehold Office or Office for Life or during Good Behaviour which is abolished by this Act, and in respect of which any annual or other fixed Salary is by virtue of any Act of Parliament or otherwise by Law payable, shall be entitled to receive such Salary during the Residue of the Term of his natural Life, in the same Manner and out of the same Fund as if this Act had not been passed ; and every Person now holding any Freehold Office or Office for Life or during Good Behaviour, which is abolished by this Act, and in respect of which any Fees of Office are by Law or Custom payable, shall be entitled to receive from and after the passing of this Act, during his natural Life, an Annuity equal to the average annual Amount of such Fees of Office during the Three Years next preceding the passing of this Act ; and the Amount of such Annuity shall be determined by the Lords Commissioners of Her Majesty's Treasury, in the same Manner, and shall be paid out of such Funds and in such Manner, as is by this Act directed with respect to the Compensations hereby provided to be given to Officers whose Salary or Emoluments shall be taken away or diminished by the Operation of this Act, or by the Rules and Orders to be thereunder made.

Lord Chancellor may order Pensions for retiring Officers.

XLVI. From and after the passing of this Act it shall be lawful for the Lord Chancellor, by any Order made on a Petition presented to him for that Purpose, to order (if he shall think fit) to be paid to any Person now or hereafter holding any Office or Appointment in the Court of Chancery, other than and except any Clerk of Enrolments, Clerk of Records and Writs, or Taxing Master, to whom, subsequently to the passing of this Act, the Lord Chancellor, under the Act passed in the Session of Parliament holden in the Fifth and Sixth Years of Her Majesty's Reign, intitled *An Act for abolishing certain Offices of the High Court of Chancery*, shall have ordered a retiring Allowance to be paid, and to any Officer or Person employed in the Offices of the Masters in Lunacy, or the Registrar in Lunacy, who shall be afflicted with some permanent Infirmary disabling him from the due Execution of his Office, or shall have continued in any Office or Offices for Twenty Years and shall be desirous of resigning the same, a Superannuation Allowance under this Act, and thereupon such Officer or Person shall be entitled to receive such Superannuation Allowance as the Commissioners of Her Majesty's Treasury shall

5 & 6 Vict.  
c. 103.

shall think proper to direct; and in ascertaining and awarding the Amount of such Superannuation Allowance, the said Commissioners shall take into Consideration the whole Period during which any such Officer or Person shall have been permanently employed in any Office or Situation in the said Courts or Offices, and shall proceed according to the Principles laid down by an Act passed in the Session holden in the Fourth and Fifth Years of King *William* the Fourth, Chapter Twenty-four, "to alter, amend, 4 & 5 W.4. c.24.  
 " and consolidate the Laws for regulating the Pensions, Compen-  
 " sations, and Allowances to be made to Persons in respect of  
 " their having held Civil Offices in His Majesty's Service:" Pro-  
 vided always, that the Lord Chancellor shall in every such Order state the Cause for making the same, and shall cause a Copy of such Order to be laid on the Table of the House of Commons within Fourteen Days next after the making of the same if Parliament shall be then assembled, and if Parliament shall not be then sitting then within Fourteen Days next after the assembling thereof.

XLVII. From and after the passing of this Act, it shall be lawful for the Lord Chancellor, by Order, to remove any Officer of the Court of Chancery, or any Officer or Person employed in the Offices of the Masters in Lunacy, or the Registrar in Lunacy, who shall be afflicted with any Infirmary which shall disable him from the due Execution of his Office, and who shall refuse to resign, or become incapable of resigning the same, and upon such Removal to order to be paid to any such Officer or Person so removed an Annuity or retiring Allowance, not exceeding Two Third Parts of the yearly Sum or Salary to which he shall be entitled at the Time of his Removal, such Annuity or retiring Allowance to be paid out of the Funds, and in the Manner in which retiring Allowances under this Act are herein-after directed to be paid. Lord Chancellor may remove and give Pensions to disabled Officers.

XLVIII. Except as herein otherwise provided, all Salaries under this Act shall grow due from Day to Day, but shall be payable under an Order of the Lord Chancellor on the Third Day of *February*, the Third Day of *May*, the Third Day of *August*, and the Third Day of *November* in every Year, or on such other Days as the Lord Chancellor shall from Time to Time by any Order direct, and shall be paid to the Parties entitled thereto, or their respective Executors or Administrators, out of the Fund standing in the Name of the Accountant General of the Court of Chancery, to the Account, intituled "The Suitors Fee Fund Account," but subject and without Prejudice to the Payment of all Salaries and other Sums of Money by any former Act or Acts now in force directed or authorized to be paid thereout. Salaries to grow due from Day to Day, but to be payable quarterly out of Suitors Fee Fund.

XLIX. The Compensation to be made under this Act to the Persons holding the Offices of the Keeper or Clerk of Her Majesty's Hanaper, Deputy Clerk of the Hanaper, Chaff Wax, Deputy Chaff Wax, Sealer, and Deputy Sealer, shall be issued and payable out of and charged and chargeable upon the Consolidated Fund of the United Kingdom, after paying or reserving sufficient to pay all such Sums of Money as by any Acts of Parliament now in force have been directed to be paid thereout, but with Precedence to all other Payments which shall hereafter be charged thereupon, Compensation to Chaff Wax, &c. to be paid out of Consolidated Fund.

thereupon, and such Compensations shall be paid quarterly, free and clear from all Taxes and Deductions whatsoever, on the Four usual quarterly Days of Payment in the Year; that is to say, the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year by equal Portions, the First Payment to be computed from the Twenty-eighth Day of *October* One thousand eight hundred and fifty-two, to be made on such of the same Days of Payment as shall happen next after the Commissioners of Her Majesty's Treasury shall have issued their Warrant for any such Compensation, and a proportionate Part thereof to be paid for the Quarter current at the Death of any of the Persons in the Receipt of such Compensation.

All other Compensations and Superannuation or retiring Allowances to grow due from Day to Day, but to be payable quarterly out of Suits Fund.

L. Except as herein otherwise provided, all Compensations and Superannuation or retiring Allowances under this Act shall grow due from Day to Day, but shall be payable on the Third Day of *February*, the Third Day of *May*, the Third Day of *August*, and the Third Day of *November* in every Year, or on such other Days as the Lord Chancellor shall from Time to Time by any Order direct, and shall be paid to the Parties entitled thereto, or their respective Executors or Administrators, out of the Interest and Dividends of the Government or Parliamentary Securities now or hereafter to be placed in the Name of the Accountant General of the Court of Chancery to the Two Accounts, intituled "Account of Monies placed out for the Benefit and better Security of the Suits of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suits of the High Court of Chancery," or either of them, by the Governor and Company of the Bank of *England*, by virtue of any Order or Orders of the Lord Chancellor, to be made from Time to Time for that Purpose, without any Draft from the Accountant General, but subject and without Prejudice to the Payment of all Salaries and other Sums of Money by any former Act or Acts now in force directed or authorized to be paid thereout.

Alteration of quarterly Days of Payment of certain Salaries out of Suits Fee Fund.

LI. All Salaries payable under any Act or Acts now in force out of the Fund standing in the Name of the Accountant General of the Court of Chancery to the Account intituled "The Suits Fee Fund Account," by equal quarterly Payments on the Twenty-fifth Day of *February*, the Twenty-fifth Day of *May*, the Twenty-fifth Day of *August*, and the Twenty-fifth Day of *November* in every Year, shall from and after the passing of this Act be respectively payable and paid by equal quarterly Payments on the Third Day of *February*, the Third Day of *May*, the Third Day of *August*, and the Third Day of *November* in every Year, and a proportionate Part of the First of such last-mentioned quarterly Payments, to be computed from the last Day of Payment of such Salaries, shall be made on the First of such quarterly Days of Payment hereby appointed which shall happen next after the passing of this Act, and upon the Resignation, Death, or Removal from Office of any Person entitled to receive any such Salary, such Person, or his Executors or Administrators, as the Case may be, shall be paid such proportionate Part of the Salary aforesaid as shall

shall have accrued since the last quarterly Payment thereof to the Time of such Resignation, Death, or Removal from Office.

LII. It shall be lawful for the Lord Chancellor by any Order or Orders to be from Time to Time made for that Purpose, to order Payment, at such Times, and in such Manner, and out of such of the Funds hereby charged as he shall think fit, of all such Sums as shall appear to him to be reasonable and proper to be paid for providing suitable Courts, Rooms, and Buildings in which the Business of the Court of Chancery may from Time to Time be carried on, and for keeping Order in the several Courts, and for the Care and cleaning of all such Courts, Rooms, and Buildings, and for the Rent, Taxes, Rates, Insurance from Fire, and other Outgoings charged upon or payable for or in respect thereof, and for the Enlargement, Alteration, or Improvement, Repairs, furnishing, and fitting up of the same, and for the Books and Stationery which may be required for the Business of the said Court and the Offices thereof, and for the making, writing, printing, counting, and examining official Documents and Records of the said Court, and Office and other Copies of such Documents and Records, and for Coals and Candles, and other necessary Articles for the said Courts and Offices, and for all other necessary Expenses relating thereto, and for the Expenses of the Pursebearer and the Running Porter to the Great Seal, and the Messenger to the Lord Chancellor during his Absence from Town, and for the petty Expenses now borne by the Porter's Fund; and it shall be lawful for the Master of the Rolls to appoint a Clerk or Clerks to be employed in the Office of the Secretary at the Rolls, which Clerk or Clerks shall receive by way of Salary such annual Sum or Sums as the Master of the Rolls shall from Time to Time fix and determine; provided always, that such annual Sum or Sums shall not in the whole in any One Year exceed the Sum of Three hundred Pounds.

Provisions for Expenses of the Officers of the Court.

LIII. 'And whereas many of the Fees payable to the Suitors Fee Fund have been lately abolished, and several of them have been reduced, and under the Provisions of this Act there will be a further Reduction of the Fees payable to the said Fund: And whereas, in order to effect such Reduction, and at the same Time to keep up the said Fund to an Amount sufficient to satisfy the Charges thereon, as well under this Act as under any former Act, it is expedient to make such Addition to the said Fund as herein-after provided:' Be it therefore enacted, That so much of any Act or Acts now in force as directs that the surplus Interest and annual Produce which hath arisen and shall arise from the Monies placed out on the several Accounts, intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," beyond what shall be sufficient to answer the Purposes of the several Acts relating to such Securities, and also the Interest produced from the Securities purchased with such surplus Interest and annual Produce, shall from Time to Time be placed out in the Purchase of Government or Parliamentary Securities in the Name

Surplus of Suitors Fund to be from Time to Time carried over to and to become Part of Suitors Fee Fund.



of the Accountant General of the said Court, and placed to the Credit of the said Account, intituled "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," shall be repealed, and the surplus Interest and annual Produce hereafter to arise from the Monies placed out on the Two several last-mentioned Accounts, beyond what shall be sufficient to answer the Purposes of this Act, and the several other Acts relating to such Securities, shall be carried over by the said Accountant General and be placed to the said Account, intituled "The Suitors Fee Fund Account," and shall thereupon become Part of the Fund standing to such Account.

Provision in  
case of Surplus  
or Deficiency  
of Suitors Fee  
Fund.

LIV. If at the End of any Year there shall be a Surplus standing to the Credit of the said Account, intituled "The Suitors Fee Fund Account," after Payment of the several Salaries and Sums of Money charged thereon by this Act or any former Act, it shall be lawful for the Lord Chancellor by any Order to direct that such Surplus, or such Part thereof as to the Lord Chancellor shall seem fit, shall be invested in the Purchase of Parliamentary or Government Securities in the Name of the said Accountant General, to be placed to the Account, intituled "Account of Monies placed out to provide for the Officers of the High Court of Chancery," and it shall be lawful for the Lord Chancellor in like Manner to direct the Investment of the Dividends or Interest to accrue from Time to Time on the Securities now or at any Time hereafter under this Act or any former Act to be placed to the said last-mentioned Account, or so much of such Dividends and Interest as he shall think fit, in the Purchase of Parliamentary or Government Securities in the Name of the said Accountant General, to be by him placed to the Credit of the said last-mentioned Account, and as often as there shall be a Deficiency in the said Account, intituled "The Suitors Fee Fund Account," at any of the Times appointed for Payment of any of the Salaries or Sums of Money charged thereon, it shall be lawful for the Lord Chancellor to direct the said Accountant General to make good such Deficiency by carrying over and placing to the said Account, intituled "The Suitors Fee Fund Account," such Sum as the Lord Chancellor may consider sufficient for that Purpose, out of the Interest and Dividends to arise from the Government or Parliamentary Securities standing to the said Account, intituled "Account of Monies placed out to provide for the Officers of the High Court of Chancery," or by a Sale of so much of the said Securities as may be necessary for that Purpose.

Interpretation  
of Term "Lord  
Chancellor."

LV. In the Construction of this Act, unless such Meaning be repugnant to or inconsistent with the Context, the Expression "Lord Chancellor" shall mean and include the Lord High Chancellor of *Great Britain*, and the Lord Keeper or Lords Commissioners of the Great Seal of the United Kingdom for the Time being.

## C A P. LXXXVIII.

An Act to remove Doubts as to the Constitution of the Bishopric of *Christchurch* in *New Zealand*, and to enable Her Majesty to constitute such Bishopric and to subdivide the Diocese of *New Zealand*. [1st July 1852.]

‘ **W**HEREAS Her Majesty, by Letters Patent under the Great Seal, bearing Date the Fourteenth Day of *October* One thousand eight hundred and forty-one, and in the Fifth Year of Her Reign, did make, ordain, and constitute the Colony of *New Zealand* into a Bishop’s See or Diocese, by the Name or Style of the Bishopric of *New Zealand*, and did nominate and appoint *George Augustus Selwyn* Clerk to be Bishop and ordinary Pastor of the said See for the Term of his natural Life, subject to such Right of Resignation as in the said Letters Patent is expressed : And whereas, by reason of the Extent of the said Diocese, it is expedient that Provision should be made for the Subdivision thereof : And whereas, in order to such Subdivision, the said *George Augustus Selwyn* hath, by an Instrument under his Hand and Seal, bearing Date the Ninth Day of *May* One thousand eight hundred and fifty-one, resigned and surrendered so much of the said See or Diocese of *New Zealand* as lies to the Southward of a Geographical Line drawn across the *Middle Island*, otherwise called *New Munster*, at the Northern Boundary of the *Canterbury* Territory : And whereas Doubts are entertained as to the Validity of the said Instrument of Resignation : Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I. The said Instrument of Resignation shall be deemed and taken to be, and the same is hereby declared to be, valid and effectual in the Law for the Purpose of enabling Her Majesty to erect and constitute the said surrendered Portion of the said Diocese of *New Zealand* into a distinct See or Diocese.

Surrendered  
Portion of Dio-  
cese of New  
Zealand erected  
into distinct See.

# LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

## Cap. i.

An Act for repealing the Act relating to "The *Mansfield* Gaslight Company," and for conferring upon the Company further and additional Powers; and for other Purposes. [3d May 1852.]

[4 Geo. 4. c. c. repealed, § 1. *Company re-incorporated*, § 6. *Capital of the Company to be 15,000l. in 50l. Shares*, § 14.]

## Cap. ii.

An Act for the Incorporation, Establishment, and Regulation of the "Patent Solid Sewage Manure Company," and for enabling the said Company to purchase and work Letters Patent.

[3d May 1852.]

[*Capital of the Company to be 100,000l. in 20l. Shares*, §§ 11 and 12.]

## Cap. iii.

An Act for establishing a Public Library, Museum, and Gallery of Arts at *Liverpool*, and to make Provision for the Reception of a Collection of Specimens illustrative of Natural History presented by the Earl of *Derby* for the Benefit of the Inhabitants of the Borough of *Liverpool* and the Neighbourhood thereof, and others resorting thereto. [3d May 1852.]

## Cap. iv.

An Act for repealing the *Wolverhampton* Gas Act, 1847, and for reconstituting the Company with additional Powers; and for other Purposes. [3d May 1852.]

[10 & 11 Vict. c. xv. repealed, and *Company re-incorporated*, §§ 1 and 2. *Capital to be 88,960l. in 10l. Shares*, § 13. *Act to comprise Wolverhampton, Wednesfield, and Tettenhall*, § 38. *Saving the Rights of the London and North-western Railway Company*, § 44. *Birmingham Canal Company protected*, § 44.]

## Cap. v.

An Act to amend an Act for draining certain Fen Lands and Low Grounds in the Parish of *Yaxley* in the County of *Huntingdon*, and to remove certain Doubts, and facilitate the Execution of the said Act. [3d May 1852.]

## Cap. vi.

An Act for providing a covered Market in the Borough of *Scarborough* in the County of *York*, for improving the Approaches thereto, for removing the present Market, and for regulating the Markets and Fairs in such Borough. [3d May 1852.]

[*Rights of the Corporation to Market Tolls not to be affected until purchased by the Company*, § 46. *Rights of the Corporation to Harbour Dues saved*, § 47.]

## Cap. vii.

An Act for enabling the Company of Proprietors of the *East London Waterworks* to raise a further Sum of Money ; and for other Purposes. [3d May 1852.]

[*Power to raise a further Capital of 300,000l.*, § 1. *Company not to be exempt from the Public Health Act*, § 22.]

## Cap. viii.

An Act to repeal the *Barnsley Gas Act*, and to make other Provisions in lieu thereof, and to authorize the raising of a further Sum of Money. [28th May 1852.]

[1 & 2 Geo. 4. c. lxxiv. repealed, § 1. *Company to continue incorporated*, § 6. *Capital to be 12,000l. in 10l. Shares*, § 13. *Company empowered to raise 12,000l. additional Capital*, § 16. *Saving the Rights of Lord of Manor*, § 44.]

## Cap. ix.

An Act to extend the Powers of the Act relating to the *Yeovil Branch of the Bristol and Exeter Railway*, and to authorize a Deviation in the Line of such Branch Railway.

[28th May 1852.]

## Cap. x.

An Act for the Improvement of the Municipal Borough of *Macclesfield*. [28th May 1852.]

[*Saving the Rights of the London and North-western Railway Company*, § 57 ; *of the Crown*, § 58 ; *and of the Corporation*, § 59.]

## Cap. xi.

An Act for providing a convenient Place or Fair Green, with proper Approaches thereto, for holding Fairs for the Sale of Cattle and other Animals, Wool, and Flax, in the Province of *Munster* at or near the City of *Limerick*, and for regulating such Fairs. [28th May 1852.]

## Cap. xii.

An Act for improving, diverting, and maintaining as Turnpike the Road leading from *Skipton* to *Craco* in the Parish of *Burnsal*, all in the West Riding of the County of *York*.

[28th May 1852.]

[*One full Toll only to be paid on the Road in the same Day*, § 17. *Sum to be borrowed not to exceed 4,500l.*, § 21. *Act to commence on the Second Saturday after its passing*, and to continue in force for Twenty-one Years, § 29.]

## Cap. xiii.

An Act to authorize the *Portsea Island Gaslight Company* to raise a further Sum of Money. [28th May 1852.]

[Power to raise 30,000*l.*, § 2.]

## Cap. xiv.

An Act for better lighting with Gas the Borough of *Derby* and its Neighbourhood, and for other Purposes. [28th May 1852.]

## Cap. xv.

An Act to repeal *An Act for lighting with Gas the Town of Belfast and the Suburbs thereof*, and to make other Provisions for that Purpose. [28th May 1852.]

## Cap. xvi.

An Act to enable the *Vale of Neath* Railway Company to construct certain Extensions of their Lines of Railway, and for other Purposes. [28th May 1852.]

## Cap. xvii.

An Act to repeal an Act passed in the Sixth Year of the Reign of King *George the Fourth*, intituled *An Act for amending, improving, and maintaining the Road from Lockwood to Meltham and the Branch of Road to Meltham Mills, all in the Parish of Almondbury in the West Riding of the County of York*, and for the widening and better maintaining and repairing the said Road, and for other Purposes. [28th May 1852.]

[No more than Three full Tolls to be taken on the whole Line in One Day, § 10. Power to repass once for each full Toll, § 11. No Tolls to be taken, or Money laid out in Towns, § 26. Act to commence on 31st October after passing, and to continue for Twenty-one Years, § 28.]

## Cap. xviii.

An Act for the Extension of the Boundaries of the Municipal Borough of *Stockton* in the County of *Durham*; and for transferring to the Corporation of the said Borough the Properties and Effects now vested in certain Commissioners having Jurisdiction in the Township of *Stockton*; and to provide for the better draining, cleansing, paving, watching, lighting, and otherwise improving the said Borough. [28th May 1852.]

## Cap. xix.

An Act for increasing the Capital of the *Stockton and Darlington* Railway Company, and for other Purposes. [28th May 1852.]

[Capital increased by 200,000*l.* in 25*l.* Shares, § 3.]

## Cap. xx.

An Act for the Establishment of a new Market in *Barnstaple*, and for the Improvement and Regulation of the existing Markets and Fairs therein. [28th May 1852.]

## [Cap. xxi.

An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of *Newport* in the *Isle of Wight* to raise Monies for the Improvement of the Navigation of the River *Medina*, within the Borough, and to alter and amend certain ancient Tolls and Duties payable to the said Mayor, Aldermen, and Burgesses.

[28th May 1852.]

## Cap. xxii.

An Act for making a Canal from the *Droitwich* Canal at *Droitwich* in the County of *Worcester*, to join the *Worcester and Birmingham* Canal at or near *Hanbury Wharf* in the Parish of *Hanbury* in the same County, and to be called "The *Droitwich Junction* Canal."

[28th May 1852.]

[*Birmingham Canal Company protected*, § 54.]

## Cap. xxiii.

An Act for supplying the Inhabitants of the Township of *Ilkley* in the West Riding of the County of *York* with Water.

[28th May 1852.]

## Cap. xxiv.

An Act for reviving and continuing the Powers granted by "The *Great Southern and Western Railway (Ireland) Extension, Portarlinton to Tullamore, Act, 1847*," for the compulsory Purchase of Lands and Completion of Works. [28th May 1852.]

## Cap. xxv.

An Act for defining and regulating the Capital of the *Norfolk Railway Company*, and for authorizing Arrangements with the *Halesworth, Beccles, and Haddiscoe Railway Company*, and for other Purposes.

[28th May 1852.]

## Cap. xxvi.

An Act for enabling the *Dudley Waterworks Company* to raise a further Sum of Money,\* and for amending the Provisions of the Act relating to such Company.

[28th May 1852.]

\* £25,000.

## Cap. xxvii.

An Act for better supplying with Water the Boroughs of *Sunderland* and *South Shields* and other Places in the County of *Durham*.

[28th May 1852.]

## Cap. xxviii.

An Act for establishing a Market and for providing a Market House and Slaughter-houses at *Aberdare* in the County of *Glamorgan*.

[28th May 1852.]

## Cap. xxix.

An Act to amend an Act passed in the Seventh Year of the Reign of Her Majesty Queen *Victoria*,\* for inclosing Lands in the Hamlet of *Thetford* in the *Isle of Ely*, and for draining certain Lands in the said Hamlet and in other Parishes in the said Isle, so far as relates to such draining.

[28th May 1852.]

\* 7 &amp; 8 Vict. c. xxix.

## Cap. xxx.

An Act to enable the *Eastern Counties Railway Company* to construct a Railway to the River *Nene* or *Wisbech River* below *Wisbech*, in lieu of a Portion of the Railway authorized by "*The Wisbech, Saint Ives, and Cambridge Junction Railway Act, 1846*," and to erect Warehouses in connexion with such Railway; and for other Purposes. [28th May 1852.]

[*East Anglian Railways Company protected*, § 9. *A Station or Lodge to be erected at the Points where the Railway crosses Roads in the Parishes of Wisbech St. Peter and Walsoken on the Level*, § 11. *Board of Trade may require Bridges in lieu of level Crossings*, § 12. *The Railway to form Part of the Eastern Counties Railway*, § 15.]

## Cap. xxxi.

An Act to amend an Act passed in the Tenth Year of the Reign of His Majesty King George the Fourth, intituled *An Act to enable the Magistrates of the County Palatine of Chester to appoint Special High Constables for the several Hundreds or Divisions, and Assistant Petty Constables for the several Townships of that County*. [28th May 1852.]

## Cap. xxxii.

An Act for paving, lighting, watching, draining, supplying with Water, cleansing, regulating, and otherwise improving the Township of *Rhyl* in the County of *Flint*, for making a Cemetery, and for establishing and regulating a Market and Market Places therein. [28th May 1852.]

## Cap. xxxiii.

An Act to enable the *Eastern Counties Railway Company* to construct Branch Railways to the *East and West India Docks and Birmingham Junction Railway*, and to enlarge and improve their Goods Station in the Parish of *Saint Matthew Bethnal Green*; and for other Purposes. [28th May 1852.]

[*The Railways to be completed within Three Years from the passing of the Act*, § 6. *Junction to be under the Control of the East and West India Docks and Birmingham Junction Railway Company*, § 8. *Saving the Rights of the said Company*, § 10. *Railways to form Part of the Eastern Counties Railway*, § 22.]

## Cap. xxxiv.

An Act for the Dissolution of the "*Union Arcade Company*" (*Glasgow*), and for the Abandonment of the Undertaking. [28th May 1852.]

## Cap. xxxv.

An Act to enable the *Cork and Bandon Railway Company* to raise further Capital,\* and to make Arrangements with respect to their present Capital and Mortgage Debt; and for other Purposes. [28th May 1852.]

\* £48,000.

*Cap. xxxvi.*

An Act for enabling the *York, Newcastle, and Berwick Railway Company* to make a Deviation in the Line of their *Thirsk and Malton Branch*; and to enable the *Malton and Driffield Junction Railway Company* to subscribe towards and enter into Agreements with respect to the said Branch; and for other Purposes. [28th May 1852.]

*Cap. xxxvii.*

An Act for enabling the *Malton and Driffield Junction Railway Company* to subscribe towards the Construction of the *Thirsk and Malton Branch* of the *York, Newcastle, and Berwick Railway*, and to make Arrangements as to their Capital; and for other Purposes. [28th May 1852.]

*Cap. xxxviii.*

An Act to amend and extend the Provisions of the Act relating to "*The London and Southampton Turnpike Road through Bishops Waltham,*" and to create a further Term therein; and for other Purposes. [28th May 1852.]

*Cap. xxxix.*

An Act to repeal the Act for more effectually repairing the Road leading from the *High Street* in the Town of *Arundel* in the County of *Sussex* to the Turnpike Road leading from *Petworth* to *Stopham* on *Fittleworth Common* in the said County, and to make other Provisions in lieu thereof. [28th May 1852.]

[*Tolls to be paid but once a Day, § 13. Exemptions under General Turnpike Acts not to extend to Chalk or Thrashing Machines, or Drills in certain Cases, § 17. Only One Toll Gate to be erected, § 18. Act to commence on 1st of November after the passing of the Act, and to remain in force for Twenty-one Years, § 28.*]

*Cap. xl.*

An Act for managing and repairing the Turnpike Road leading from the Eastern Side of a certain Bridge called *Spittle Hill Bridge* over *Moorgate Beck* in the Parish of *Clarborough* in the County of *Nottingham* to *Littleborough Ferry* in the same County. [28th May 1852.]

[*5 Geo. 4. c. xvii. repealed, § 1. Only One full Toll to be taken for passing and repassing on the same Day, § 13. No Money to be taken or laid out in Towns, § 23. Act to commence on the 30th October after the passing, and to continue in force for Twenty-one Years, § 25.*]

*Cap. xli.*

An Act to amend the Acts relating to the *Dundalk and Enniskillen Railway*, and to extend the same from *Ballybay* to *Enniskillen*. [28th May 1852.]

*Cap. xlii.*

An Act for incorporating the *Deptford Gaslight and Coke Company*. [28th May 1852.]



## Cap. xliii.

An Act to consolidate and amend the Acts relating to the *London-derry and Coleraine* Railway Company; and to authorize the said Company to contribute towards the Construction of a new Bridge over the River *Foyle* and other Works at *Londonderry*.

[28th May 1852.]

## Cap. xliv.

An Act to consolidate and amend the Acts relating to the *Londonderry and Enniskillen* Railway Company, and to grant further Powers to the said Company for the Extension and Completion of the Railway, and for other Purposes.

[28th May 1852.]

## Cap. xlv.

An Act to amend the Acts relating to the *Forth and Clyde* Navigation, to alter the Place of Meeting, and to make further Provision for the Management of the Affairs of the Company of Proprietors of the said Navigation.

[28th May 1852.]

## Cap. xlv.

An Act to enable *Cary Charles Elwes* Esquire to construct Waterworks for the Supply of Water to *Glamford Briggs* and the Neighbourhood thereof in *Lincolnshire*.

[28th May 1852.]

## Cap. xlvii.

An Act for further amending the Local and Personal Acts, Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, and Tenth and Eleventh of *Victoria*, Chapter Two hundred and sixty-one, relating to the *Liverpool* Corporation Waterworks; and for authorizing Deviations, and the Construction of Reservoirs; and for other Purposes.

[28th May 1852.]

## Cap. xlviii.

An Act for incorporating the *Aberdeen* Fire and Life Assurance Company, by the Name of "The *Scottish* Provincial Assurance Company;" for enabling the said Company to sue and be sued, and to take and hold Property; and for other Purposes relating to the said Company.

[28th May 1852.]

## Cap. xlix.

An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of *Sheffield* to make certain Bridges over the River *Dun*, Roads, Streets, and other Works, all within the Borough of *Sheffield*.

[28th May 1852.]

## Cap. l.

An Act for better paving, draining, lighting, cleansing, supplying with Water, regulating in regard to Markets, Interments, Hackney Carriages, and other Purposes, and otherwise improving the Borough of *Cheltenham* in the County of *Gloucester*.

[28th May 1852.]

## Cap. li.

An Act to confirm an Agreement therein mentioned between the *Eastern Counties* Railway Company and the *Newmarket* Railway Company.

[28th May 1852.]

## Cap. lii.

An Act for repairing and managing the Roads leading from *Porthdinllaen*, by way of *Tan-y-Graig*, *Pwllheli*, *Llanystymdwy*, and *Cerrig-y-Rhwydwr*, to or near *Capel Cerrig*, and from *Pwllheli* aforesaid, by way of *Crugan*, to the Village of *Llanbedrog*, all in the County of *Caernarvon*. [28th May 1852.]

[5 Geo. 4. c. cxvi. repealed, and this Act to be put in force, § 1. Persons having paid the Tolls to pass and repass twice during the same Day, § 12. Tolls not to be laid out on Streets in *Pwllheli*, or within the Limits of any Act of Parliament for the Improvement of any Town, § 21. Act to commence on the Fourth Wednesday after the passing, and to continue in force for Twenty-one Years, § 22.]

## Cap. liii.

An Act for the better Regulation of the *British Empire Mutual Life Assurance Company*; for enabling the said Company to take and hold Property; and for other Purposes relating to the said Company. [28th May 1852.]

## Cap. liv.

An Act for more effectually repairing the Roads leading from *Romsey* to *Stockbridge* and *Wallop*, and other Roads therein mentioned, in the County of *Southampton*. [28th May 1852.]

[7 & 8 Geo. 4. c. lxi. repealed, and this Act to be put in force, § 1. Persons having paid Toll to return free, § 10. Act to continue in force for Twenty-one Years, § 30.]

## Cap. lv.

An Act for the Establishment of a Turnpike Road from *Southam* to *Kineton*, both in the County of *Warwick*. [28th May 1852.]

[Tolls to be paid only once a Day, except for Horses drawing a different Carriage, § 14. Act to commence on the First Monday after the passing, and to continue in force for Twenty-one Years, § 22.]

## Cap. lvi.

An Act for the Amalgamation of the *Accidental Death Insurance Company* and the *Railway Assurance Company*, and for enabling such amalgamated Company to insure against Death or other personal Injury arising from Accident or Violence.

[28th May 1852.]

## Cap. lvii.

An Act for amalgamating the *East and West Yorkshire Junction Railway Company* with the *York and North Midland Railway Company*, and for vesting the Undertaking of the former Company in that of the latter, and for other Purposes.

[28th May 1852.]

## Cap. lviii.

An Act to explain and amend the Act for supplying the Burghs of *Dumfries* and *Maxwelltown* and Suburbs with Water.

[28th May 1852.]

## Cap. lix.

An Act for continuing the Term and amending and extending the Provisions of the Acts relating to the *Haw Passage Bridge* in the County of *Gloucester*. [28th May 1852.]

## Cap. lx.

An Act to repeal the Acts relating to the Road from the Town of *Bedford* in the County of *Bedford* to *Kimbolton* in the County of *Huntingdon*, and to substitute other Provisions. [28th May 1852.]

[35 Geo. 3. c. cxlviii. and 57 Geo. 3. c. xxviii. repealed, § 1. Only Three full Tolls to be taken for passing and repassing on same Day through all the Gates, § 12. Act to commence on the 1st of November after the passing, and to continue in force for Twenty-one Years, § 24.]

## Cap. lxi.

An Act for enabling the *Deeside* Railway Company to alter the Line and Levels of Part of their Railway, and to abandon Parts thereof; for altering the Capital of the Company, and repealing and amending the Act relating thereto; and for other Purposes. [28th May 1852.]

## Cap. lxii.

An Act for constructing a Bridge across the River *Kelvin* near *Hillhead, Glasgow*, in the County of *Lanark*, with Approaches and Works. [17th June 1852.]

## Cap. lxiii.

An Act for making a Railway from *Highbridge* to *Glastonbury* in the County of *Somerset*, to be called "The *Somerset Central* Railway;" and for other Purposes. [17th June 1852.]

## Cap. lxiv.

An Act for regulating the Markets and Fairs and the Tolls and Customs of the Borough of *Athlone*. [17th June 1852.]

## Cap. lxv.

An Act to enable The *Newmarket* Railway Company to make certain Alterations in the Levels of their Railway, and to construct a new Line of Railway between *Newmarket* in the County of *Cambridge* and *Bury St. Edmunds* in the County of *Suffolk*; to alter their Capital; and for other Purposes. [17th June 1852.]

## Cap. lxvi.

An Act for reclaiming from the Sea certain Lands on and near the Eastern and South-eastern Coast of *Essex*. [17th June 1852.]

[Company incorporated by the Name of "The *South Essex Estuary and Reclamation Company*," § 2. Capital 400,000*l.* in 50*l.* Shares, §§ 5, 6. 5*l.* per Share to be the greatest Amount of any one Call, § 5. Number of Directors to be Six, and Threes to form a Quorum, §§ 9, 11. Land, when reclaimed, to be Part of *Essex* and Tithe-free, and when embanked, to be constituted

*constituted into Parishes by Her Majesty in Council, §§ 19, 20, 21. Company not to interfere with Havengoe Creek, New England Creek, or Shelford Creek, without the Consent of the Admiralty, § 23. The Company not to injure the Drainage of Lands nor the Navigation of Rivers, § 28. Works to be completed within Fourteen Years after the passing of the Act, § 33. Works below High-water Mark not to be executed without the Consent of the Admiralty, § 34. Company to maintain the Navigable Channels of the East and West Swin, and Channels leading to the Rivers Crouch, Blackwater, and Colne, § 35. Company not to construct Works or Bridges in or across any Tidal Water without the Consent of the Admiralty, § 37. Allotments to be made to Her Majesty in right of Her Crown, § 42. Act not to prejudice the Crown's Right to the Manor of Dengie or any other Manors, § 48. Saving the Rights of the Commissioners of Sewers for Foulness Island and Dengie Levels, §§ 53, 54. Saving the Rights of the Crown and other Persons, § 81.]*

*Cap. lxxii.*

An Act for supplying the Borough of *Lancaster* in the County Palatine of *Lancaster* and adjacent Places with Water, and for other Purposes.  
[17th June 1852.]

*Cap. lxxiii.*

An Act for better paving, lighting, watching, cleansing, and otherwise improving the Town of *Runcorn* and certain Parts of the Township of *Halton* in the County of *Chester*, for regulating the Markets therein, and for other Purposes.  
[17th June 1852.]

*Cap. lxxix.*

An Act for better lighting with Gas the Town of *Saint Helen's*, the Hamlet of *Hardshaw-cum-Windle*, and the several Townships of *Windle*, *Parr*, *Eccleston*, and *Sutton*, all in the Parish of *Prescot* in the County Palatine of *Lancaster*.  
[17th June 1852.]

*Cap. lxx.*

An Act for better supplying with Water the Town of *Ulverston* in the County of *Lancaster*, and for other Purposes.  
[17th June 1852.]

*Cap. lxxi.*

An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Abbey Tintern* and *Bigswear Roads*.  
[17th June 1852.]

[5 Geo. 4. c. xxix. repealed, § 1. Tolls to be paid but once a Day, § 14. No more than Two full Tolls to be paid on the whole Line of Roads, § 15. No Money to be taken or laid out in Towns, § 23. Money not to be borrowed without the Consent of the Secretary of State, § 24. Act to commence on the 31st of October after the passing, and to continue in force for Twenty-one Years.]

## Cap. lxxii.

An Act for effecting Improvements in the City of *London*.

[17th June 1852.]

[*Corporation of London empowered to widen and improve the North End of Dowgate Hill, Threadneedle Street, opposite Old Broad Street, the South-east Corner of Mark Lane, and Part of the North Side of Great Tower Street.*]

## Cap. lxxiii.

An Act for making a Railway from the *Middlesbrough and Redcar* Railway near *Middlesbrough* to or near to *Guisbrough*, with Branches to the *Cleveland Hills*, and for making Arrangements with the *Stockton and Darlington* Railway Company.

[17th June 1852.]

## Cap. lxxiv.

An Act for more effectually repairing the Road from *Sharples* to *Hoghton* in the County of *Lancaster*.

[17th June 1852.]

[4 Geo. 4. c. xxii. repealed, § 1. Tolls to be paid but once a Day at the same Gate, § 13. Only Three full Tolls to be taken for passing and repassing on the same Day through all the Gates, § 14. Act to commence on the First Friday after the passing, and to continue in force for Twenty-one Years, § 26.]

## Cap. lxxv.

An Act for more effectually repairing the Road leading from *North Shields* to *Morpeth Castle*, and several Branches of Road communicating therewith, all in the County of *Northumberland*.

[17th June 1852.]

[54 Geo. 3. c. xxix. repealed, § 1. Only Two Tolls to be payable on the Roads, § 14. Persons having paid Tolls to return free, § 15. Act to commence on the 31st October after the passing, and to continue in force for Twenty-one Years, § 27.]

## Cap. lxxvi.

An Act for supplying the Inhabitants of the Town of *Merthyr Tydfil* and adjacent Places with Water.

[17th June 1852.]

## Cap. lxxvii.

An Act for the more easy Recovery of Small Debts and Demands within the City of *London* and the Liberties thereof.

[17th June 1852.]

‘ WHEREAS an Act was passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act for the more easy Recovery of Small Debts and Demands within the City of London and the Liberties thereof*: And whereas an Act was passed in the Session of Parliament held in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter One hundred and fifty-two, for amending the said Act: And whereas it is expedient to repeal the said recited Acts, for the Purpose of extending the Provisions thereof to Debts, Damages, and Demands not exceeding

' exceeding the Sum of Fifty Pounds : ' May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I. That from and after the Commencement of this Act the said recited Acts shall be and the same are hereby repealed, save only and except so far as relates to any Judgment given, or any Act, Matter, or Thing done, or directed or ordered to be done, previously to the Commencement of this Act, which Judgment shall be enforced, and all which Acts, Matters, and Things shall, if done, be as valid and effectual, or if directed or ordered to be done shall be done, and when done shall be as valid and effectual, as if this Act had not passed. Recited Acts repealed.

II. That all Pleas of personal Actions, where the Debt or Damage claimed is not more than Fifty Pounds, whether on Balance of Account or otherwise, which shall after the Commencement of this Act be commenced or tried in the Sheriff's Court, shall be holden in the said Court without Writ, and shall be heard and determined in a summary Way, and according to the Provisions of this Act : Provided always, that the said Court shall not under the Provisions of this Act have Cognizance of any Action of Ejectment, or in any Action in which, although the Debt or Damage claimed may not exceed Fifty Pounds, the Title to any corporeal or incorporeal Hereditaments, or to any Tithe, Toll, Fair, Market, or Franchise, shall be in question, or in which the Validity of any Devise, Bequest, or Limitation under any Will or Settlement may be disputed, or in any Action for any Libel or Slander, or for Criminal Conversation, or for Seduction, or for Breach of Promise of Marriage. Actions hereafter commenced in Sheriff's Court for Sums not above 50l. to be determined under the Provisions of this Act.

III. Provided always, That all Pleas of personal Actions, and all other Proceedings in the Sheriffs Court, except Pleas of personal Actions under the Provisions of this Act, where the Debt or Damage claimed is not more than Fifty Pounds, or, not being more than Fifty Pounds, is excepted from the Provisions of this Act, shall and may be commenced and carried on in the said Court as if this Act had not been passed ; and all Proceedings in personal Actions where the Debt or Damage claimed is not more than Fifty Pounds, which may have been actually commenced in the Sheriffs Court before the Commencement of this Act, and which might have been commenced in the said Court under the Provisions of the said recited Acts or either of them, shall be continued, executed, and enforced against all Persons liable thereto, in the same Manner as if they had been commenced therein under the Provisions of this Act ; and all other Proceedings in the said Court, not being Proceedings in personal Actions, where the Debt or Damage claimed is not more than Fifty Pounds, and which could not have been commenced in the said Court under the Provisions of this Act, shall be continued, executed, and enforced against all Persons liable thereto, in the same Manner in all respects as they might have been continued, executed, and enforced in case this Act had not passed. All other Actions and Proceedings to be carried on as if this Act had not passed.

vided for, incident to the holding of the Court ; and the Charge of the Court House and Offices, and Expenses thereby incurred, shall be paid out of the General Fund of the Court : Provided always, that the Treasurer or Clerk of the Court, or the Partner of such Treasurer or Clerk, or any Person in the Service or Employment of such Treasurer or Clerk, shall not be directly or indirectly concerned or interested in any such Contract, or in supplying any Articles for the Use of the Court and Offices ; provided also, that no Payment of any such Charge shall be allowed in the Clerk's Accounts until allowed under the Hand of the Judge.

Judge to hold the Court where Corporation shall direct.

XXXV. That the Judge of the Court shall attend and hold the Court for the Purposes of this Act at the *Guildhall* of the said City, or at the Place where the Mayor, Aldermen, and Commons shall have ordered that the Court shall be holden, at such Times as they shall appoint for that Purpose, so that a Court shall be holden for the Purposes of this Act once at least in every Month ; and Notice of the Days on which the Court will be holden for the Purposes of this Act shall be put up in some conspicuous Place in the Court and in the Office of the Clerk of the Court, and no other Notice thereof shall be needed ; and whenever any Day so appointed for holding the Court shall be altered, Notice of such intended Alteration, and of the Time when it will take effect, shall be put up in some conspicuous Place in the Court and in the Clerk's Office ; and the Judge may, if he shall think fit, adjourn the Court, and all Plaints and Proceedings therein, to the same or any future Day, and may from Time to Time hold additional Courts besides those herein-before authorized to be appointed by this Act.

Process of the Court to be under Seal.

XXXVI. That the Seal made or used for the Sheriffs Court for the Purposes of the said first-recited Act shall, until the same be varied or altered, be the Seal for the Court for the Purposes of this Act ; and all Summonses and other Process issuing out of the Court, under the Provisions of this Act, shall be sealed or stamped with the Seal of the Court ; and every Person who shall forge the Seal or any Process of the Court, or who shall serve or enforce any such forged Process knowing the same to be forged, or deliver or cause to be delivered to any Person any Paper falsely purporting to be a Copy of any Summons or other Process of the Court, knowing the same to be false, or who shall act or profess to act under any false Colour or Pretence of the Process of the Court, shall be guilty of Felony.

Provisions of 7 & 8 Vict. c. 96., 8 & 9 Vict. c. 127., and 13 & 14 Vict. c. 61., not to extend to this Act.

XXXVII. That none of the Provisions and Enactments of an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act to amend the Laws of Insolvency, Bankruptcy, and Execution*, or of an Act passed in the Ninth Year of the Reign of Her said Majesty, intituled *An Act for the better securing the Payment of Small Debts*, or of an Act passed in the Fourteenth Year of the Reign of Her said Majesty, intituled *An Act to extend the Act for the more easy Recovery of Small Debts and Demands in England, and to amend the same*, or of any Act altering or amending the said Acts or either of them, shall extend or relate to or affect the Jurisdiction and Practice of the Sheriffs Court in any Action or Proceeding to be commenced or carried on therein under the Powers and Provisions of this Act.

XXXVIII. That

**XXXVIII.** That on the Application of any Person desirous to bring a Suit in the Court, the Clerk of the Court shall enter in a Book, to be kept for this Purpose in his Office, a Plaint in Writing stating the Names and the last known Places of Abode of the Parties, and the Substance of the Action intended to be brought, every One of which Plaints shall be numbered in every Year according to the Order in which it shall be entered; and thereupon a Summons, stating the Substance of the Action, and bearing the Number of the Plaint on the Margin thereof, shall be issued under the Seal of the Court, according to such Form, and be served on the Defendant so many Days before the Day on which the Court shall be holden at which the Cause is to be tried, as shall be directed by the Rules made for regulating the Practice of the Court, as herein-after provided; and Delivery of such Summons to the Defendant, or in such other Manner as shall be specified in the said Rules of Practice, shall be deemed good Service; and no Misnomer or inaccurate Description of any Person or Place in any such Plaint or Summons shall vitiate the same, so that the Person or Place be therein described so as to be commonly known.

Suits to be by  
Plaint.

**XXXIX.** That such Summons may issue, provided the Defendant or One of the Defendants shall dwell or carry on Business or have Employment within the City of *London* or the Liberties thereof at the Time of the Action brought, or provided the Defendant or One of the Defendants shall have dwelt or carried on Business or shall have had Employment therein at some Time within Six Months next before the Time of the Action brought, or if the Cause of Action either wholly or in part arose therein.

Summons may  
issue, if Defen-  
dant dwells or  
carries on Busi-  
ness in the City.

**XL.** That all Precincts and Extra-parochial Places within the City of *London* or the Liberties thereof, or adjoining thereto, shall, for the Purposes of this Act, be deemed to be Parts of the City of *London* and the Liberties thereof.

*W.B. Capron*  
Places within or  
adjoining the  
City of London  
to be deemed  
Parts thereof.

**XLI.** That any Summons or other Process which under this Act shall be required to be served out of the City of *London* or the Liberties thereof may be served by the Bailiff of any Court holden in any Part of *England*, under an Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for the more easy Recovery of Small Debts and Demands in England*, or any Act altering or amending the same; and such Service shall be as valid as if the same had been made under the Provisions of this Act by the Bailiff of the Sheriffs Court within the City of *London* or the Liberties thereof.

Processes out of  
District of Court  
may be served  
by Bailiff of any  
Court  
holden under  
9 & 10 Vict.c.95.

**XLII.** That any Summons or other Process which, under the before-mentioned Act for the more easy Recovery of Small Debts and Demands in *England*, or under any Act altering or amending the same, shall be required to be served out of the District of the Court from which the same shall have issued, may be served within the City of *London* or the Liberties thereof by the Bailiff of the Sheriffs Court; and such Service shall be as valid as if the same had been made by the Bailiff of the Court out of which such Summons or other Process shall have issued within the Jurisdiction of the Court.

As to Service of  
Process of  
County Courts  
in the City of  
London.

**XLIII.** That Service of any Summons or other Process of the Court which shall require to be served out of the City of *London* or the Liberties thereof may be proved by Affidavit purporting to be

Proof of Ser-  
vice out of Dis-  
trict, or in the  
Absence of the  
Bailiff.



be sworn before any Judge of a County Court, or before a Master Extraordinary in Chancery, or any Person now authorized by Law to take Affidavits; and the Fee for taking such Affidavit shall not be more than One Shilling, and shall be Costs in the Cause; and in every Case of the unavoidable Absence of the Bailiff by whom any Summons or other Process of the Court shall have been served the Service of such Summons or other Process may be proved, if the Judge shall think fit, in the same Manner as a Summons served out of the City of London or the Liberties thereof, but without additional Charge to either of the Parties to the Suit.

Demands not to be divided for the Purpose of bringing Two or more Suits.

XLIV. That it shall not be lawful for any Plaintiff in any Plaint to divide any Demand or Cause of Action for the Purpose of bringing Two or more Suits in the Court; but any Plaintiff having any Demand or Cause of Action for more than Fifty Pounds, for which a Plaint might be entered under this Act if not more than Fifty Pounds, may abandon the Excess of such Demand over and above Fifty Pounds, and thereupon the Plaintiff shall, on proving his Case, recover to an Amount not exceeding Fifty Pounds; and the Judgment of the Court upon such Plaint shall be in full Discharge of all Claims in respect of such Demand or Cause of Action, and Entry of the Judgment shall be made accordingly.

No Second Suit for the same Cause.

XLV. That if any Party shall sue another in the Court for any Debt or other Cause of Action for which he hath already sued him, and obtained Judgment, in any Court, the Proof of such former Suit having been brought and Judgment obtained may be given, and the Party so suing shall not be entitled to recover in such Second Suit, and shall be adjudged to pay Three Times the Costs of such Second Suit to the opposite Party.

Treble Costs.

Minors may sue for Wages.

XLVI. That it shall be lawful for any Person under the Age of Twenty-one Years to prosecute any Suit in the Court for any Sum of Money not greater than Fifty Pounds, which may be due to him for Wages or Piecework, or for Work as a Servant, in the same Manner as if he were of full Age.

As to Cases of Partnership and Intestacy.

XLVII. That the Jurisdiction of the Court shall extend to the Recovery of any Demand not exceeding the Sum of Fifty Pounds which is the whole or Part of the unliquidated Balance of a Partnership Account, or the Amount or Part of the Amount of a distributive Share under an Intestacy, or of any Legacy under a Will.

Executors may sue and be sued.

XLVIII. That it shall be lawful for any Executor or Administrator to sue and be sued in the Court, in like Manner as if he were a Party in his own Right, and Judgment and Execution shall be such as in the like Case would be given or issued in any Superior Court.

No Privilege allowed.

XLIX. That no Privilege, except as herein-after excepted, shall be allowed to any Person, to exempt him from the Jurisdiction of the Court.

One of several Persons liable may be sued.

L. That where any Plaintiff shall have any Demand recoverable in the Court against Two or more Persons jointly answerable, it shall be sufficient if any of such Persons be served with Process, and Judgment may be obtained and Execution issued against the Person or Persons so served, notwithstanding that others jointly liable

liable may not have been served or sued, or may not be within the Jurisdiction of the Court; and every such Person against whom Judgment shall have been obtained under this Act, and who shall have satisfied such Judgment, shall be entitled to demand and recover in the Court Contribution from any other Person jointly liable with him.

LI. That the Judge of the Court shall be the sole Judge in all Actions brought in the Court, and shall determine all Questions, as well of Fact as of Law, unless a Jury shall be summoned as herein-after mentioned; and no Suitors shall in any Case be summoned to hold or have any Jurisdiction in the Court.

Judge to determine Questions, unless a Jury be summoned.

LII. That in all Actions where the Amount claimed shall exceed Five Pounds it shall be lawful for the Plaintiff or Defendant to require a Jury to be summoned to try the said Action; and in all Cases where the Amount claimed shall not exceed Five Pounds it shall be lawful for the Judge, in his Discretion, on the Application of either of the Parties, to order that such Action be tried by a Jury; and in every Case such Jury shall be summoned according to the Provisions herein-after contained: Provided always, that the Party requiring a Jury to be summoned shall give to the Clerk of the Court, or leave at his Office, such Notice thereof as shall be directed by the Rules made for regulating the Practice of the Court as herein-after provided; and the said Clerk shall cause Notice of such Demand of a Jury made either by the Plaintiff or Defendant, to be communicated to the other Party to the said Action, either by Post or by causing the same to be delivered at his usual Place of Abode or Business, but it shall not be necessary for either Party to prove on the Trial that such Notice was communicated to the other Party by the Clerk.

Actions may be tried by Jury when Parties require it.

LIII. That every Party requiring any Jury to be summoned shall at the Time of giving the said Notice, and before he shall be entitled to have such Jury summoned, pay to the Clerk of the Court the Sum of Five Shillings for Payment of the Jury, and such Sum shall be considered as Costs in the Cause, unless otherwise ordered by the Judge.

Party requiring a Jury to make a Deposit.

LIV. That the Secondaries of the said City shall cause to be delivered to the Clerk of the Court a List of Persons qualified and liable to serve as Jurors in the Courts of Assize and Nisi Prius for the said City, within Fourteen Days from the First Day of *January* in each Year, each List containing only the Names of Persons residing within the Jurisdiction of the Court, for which List the said Secondaries shall be entitled to receive out of the General Fund of the Court a Fee after the Rate of Twopence for every Folio of Seventy-two Words; and whenever a Jury shall be required under the Provisions of this Act, the Clerk of the Court shall cause so many of the Persons named in the List as shall be needed, in the Opinion of the Judge, to be summoned to attend the Court at a Time and Place to be mentioned in the Summons, and shall administer or cause to be administered to such of them as shall be impannelled to try any Cause or Causes an Oath to give a true Verdict according to the Evidence; and the Persons so summoned shall attend at the Court at the Time mentioned in the Summons, and in default of Attendance shall forfeit such Sum of Money as the Judge shall direct, not being more than Five Pounds

Who shall be Jurors.

for each Default; and the Delivery of such Summons to the Person whose Attendance is required on such Jury, or Delivery thereof to his Wife or Servant, or any Inmate at the usual Place of Abode, trading, or dealing of such Person, shall be deemed good Service: Provided always, that no Person shall be summoned or compelled to serve on such Jury more than Twice within One Year, or who shall have been summoned and shall have attended upon any Jury at the Assizes, or any Court of Nisi Prius, or at the Central Criminal Court, within Six Months next before the Delivery of such Summons.

Number of the Jury.

LV. That whenever there are any Jury Trials, Five Jurymen shall be impannelled and sworn, as Occasion shall require, to give their Verdicts in the Causes which shall be brought before them in the Court, and, being once sworn, shall not need to be re-sworn in each Trial; and either of the Parties to any such Cause shall be entitled to his lawful Challenge against all or any of the said Jurors, in like Manner as he would be entitled in any Superior Court; and the Jurymen so sworn shall be required to give an unanimous Verdict.

Proceedings on hearing the Plaintiff.

LVI. That on the Day in that Behalf named in the Summons the Plaintiff shall appear, and thereupon the Defendant shall be required to appear to answer such Plaintiff; and on Answer being made in Court the Judge shall proceed in a summary Way to try the Cause and give Judgment, without further Pleading or formal Joinder of Issue.

Power to Judge to alter or amend Summons, &c.

LVII. That it shall be lawful for the Judge, if he shall think fit, to cause the Summons to be altered or amended in such Particulars and on such Terms as he shall think reasonable; but no Evidence shall be given by the Plaintiff on the Trial of any such Cause as aforesaid of any Demand or Cause of Action, except such as shall be stated in the Summons hereby directed to be issued or so amended as aforesaid.

Notices of special Defences given to the Clerk, who shall communicate the same to the Plaintiff.

LVIII. That no Defendant in the Court be allowed to set off any Debt or Demand claimed or recoverable by him from the Plaintiff, or to set up by way of Defence or to claim and have the Benefit of Infancy, Coverture, or any Statute of Limitations, or of his Discharge under any Statute relating to Bankrupts, or any Act for the Relief of Insolvent Debtors, without the Consent of the Plaintiff, unless such Notice thereof as shall be directed by the Rules made for regulating the Practice of the Court shall have been given to the Clerk of the Court; and in every Case in which the Practice of the Court shall require such Notice to be given the Clerk of the Court shall, as soon as conveniently may be after receiving such Notice, communicate the same to the Plaintiff by the Post, or by causing the same to be delivered at his usual Place of Abode or where he carries on Business or has Employment; but it shall not be necessary for the Defendant to prove on the Trial that such Notice was communicated to the Plaintiff by the Clerk.

Confession of Debts, or Parts of Debts, &c., and Judgment thereupon.

LIX. That any Person against whom a Plaintiff shall be entered in the Court may, if he think fit, whether he be summoned upon such Plaintiff or not, in the Presence of the Clerk or Assistant Clerk of the Court, or in the Presence of an Attorney of One of the Superior Courts, sign a Statement confessing and admitting the Amount

Amount of the Debt or Demand, or Part of the Amount of the Debt or Demand for which such Plaintiff shall have been entered; and such Clerk or Assistant Clerk shall, as soon as conveniently may be after receiving such Statement, send Notice thereof to the Plaintiff by the Post, or by causing the same to be delivered at his usual Place of Abode or Business or Employment, and thereupon it shall not be necessary for the said Plaintiff to prove the Debt or Demand so confessed and admitted as aforesaid; but the Judge, at the next Sitting of the Court, whether the Parties or either of them attend the Court or not, shall, upon Proof by Affidavit of the Signature of the Party, if such Statement were not made in the Presence of the Clerk or Assistant Clerk, proceed to give Judgment for the Debt or Demand so confessed and admitted, in the same Manner and subject to the same Conditions as if he had tried the Cause and given Judgment thereupon under the Provisions of this Act.

LX. That if the Person against whom a Plaintiff shall be entered in the Court can agree with the Person on whose Behalf such Plaintiff shall have been entered upon the Amount of the Debt or Demand in respect of which such Plaintiff shall have been entered and upon the Terms and Conditions upon which the same shall be paid or satisfied, it shall be lawful for such Persons respectively, in the Presence of the Clerk or Assistant Clerk of the Court, or in the Presence of an Attorney of One of the Superior Courts, to sign a Statement of the Amount of the Debt or Demand so agreed upon between such Persons respectively, and of the Terms and Conditions upon which the same shall be paid or satisfied; such Clerk or Assistant Clerk shall receive such Statement, and shall thereupon, upon Proof by Affidavit of the Signature of the Party, if such Statement were not made in the Presence of the Clerk or Assistant Clerk, enter up Judgment for the Plaintiff for the Amount of the Debt or Demand so agreed on, and upon the Terms and Conditions mentioned in such Statement; and such Judgment shall to all Intents and Purposes be the same, and have the same Effect, and shall be enforced and enforceable in the same Manner, as if it had been a Judgment of the Judge of the Court.

LXI. That the Judge may in any Case, with the Consent of both Parties to the Suit, order the same, with or without other Matters within the Jurisdiction of the Court, in dispute between such Parties, to be referred to Arbitration, to such Person or Persons, and in such Manner and on such Terms, as he shall think reasonable and just, and such Reference shall not be revocable by either Party, except by Consent of the Judge; and the Award of the Arbitrator or Arbitrators or Umpire shall be entered as the Judgment in the Cause, and shall be as binding and effectual to all Intents as if given by the Judge; provided that the Judge may, if he think fit, on Application to him at the First Court held after the Expiration of One Week after the Entry of such Award, set aside any such Award so given as aforesaid, or may, with the Consent of both Parties aforesaid, revoke the Reference, or order another Reference to be made in the Manner aforesaid.

LXII. That the Recorder for the Time being of the said City, the Common Serjeant for the Time being of the said City, and the Judge or Judges for the Time being of the Sheriffs Court shall

Agreement as to the Amount of Debt, &c., and Conditions of Payment.

Suits may be settled by Arbitration.

Forms of Procedure in C. to be f the R &c.

have Power and they are hereby required, from Time to Time, to make and issue all the General Rules for regulating the Practice and Proceedings of the Court, and also to frame Forms for every Proceeding in the Court for which they shall think it necessary that a Form be provided, and also for keeping all Books, Entries, and Accounts to be kept by the Clerk of the Court, and from Time to Time to alter any such Rules or Forms, and the Rules so made and the Forms so framed shall be observed and used in the Court; and in any Case not expressly provided for herein or by the said Rules the general Principles of Practice in the Superior Courts of Common Law may be adopted and applied, at the Discretion of the Judge, to Actions and Proceedings in the Court under the Provisions of this Act: Provided always, that the Rules made and issued for regulating the Practice and Proceedings of the Court now held under the said first-recited Act, and the Forms framed for the Proceedings in the said last-mentioned Court, and for keeping the Books, Entries, and Accounts directed to be kept by the Clerk of the Court, shall be valid and effectual until new Rules and Forms be made, framed, and issued as authorized and directed by the Provisions of this Act.

Forms to be approved by Chief Justices.

LXIII. Provided always, That no such General Rules and Forms shall be in force until the same shall have been approved by the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer, or One of them.

Proceedings if Plaintiff does not appear or prove his Case.

LXIV. That if upon the Day of the Return of any Summons, or at any Continuation or Adjournment of the Court or of the Cause for which the said Summons shall have been issued, the Plaintiff shall not appear, the Cause shall be struck out; and if he shall appear, but shall not make Proof of his Demand to the Satisfaction of the Court, it shall be lawful for the Judge to nonsuit the Plaintiff, or to give Judgment for the Defendant, and in either Case, where the Defendant shall appear, and shall not admit the Demand, to award to the Defendant by way of Costs and Satisfaction for his Trouble and Attendance such Sum as the Judge in his Discretion shall think fit; and such Sum shall be recoverable from the Plaintiff, by such Ways and Means as any Debt or Damage ordered to be paid by the same Court can be recovered: Provided always, that if the Plaintiff shall not appear when called upon, and the Defendant or some one duly authorized on his Behalf shall appear, and admit the Cause of Action to the full Amount claimed, and pay the Fees payable in the first instance by the Plaintiff, the Court, if it shall think fit, may proceed to give Judgment as if the Plaintiff had appeared.

If Plaintiff do not appear on Day of Hearing, Costs may be awarded to Defendant for Attendance, &c.

LXV. That in every Case where the Plaintiff shall not appear, either by himself or his Attorney, upon the Day of the Return of any Summons for Hearing, or at any Continuation or Adjournment of the said Hearing, and the Defendant shall appear either by himself or his Attorney upon such Day of Hearing, Continuation, or Adjournment, it shall be lawful for the Judge to award to the Defendant or to his Attorney, by way of Costs of his Attendance and Satisfaction for his Trouble, such Sum as the Judge in his Discretion shall think fit; and the Sum so awarded shall be recoverable from the Plaintiff by such Ways and Means

as any Debt or Damage ordered to be paid by the Court can be recovered.

LXVI. That if on the Day so named in the Summons, or at any Continuation or Adjournment of the Court or Cause in which the Summons was issued, the Defendant shall not appear, or sufficiently excuse his Absence, or shall neglect to answer when called in Court, the Judge, upon due Proof of Service of the Summons, may proceed to the Hearing or Trial of the Cause on the Part of the Plaintiff only, and the Judgment thereupon shall be as valid as if both Parties had attended: Provided always, that the Judge in any such Case, at the same or any subsequent Court, may set aside any Judgment so given in the Absence of the Defendant, and the Execution thereupon, and may grant a new Trial of the Cause, upon such Terms (if any) as to Payment of Costs, giving Security for Debt or Costs, or such other Terms as he may think fit, on sufficient Cause shown to him for that Purpose.

Proceedings if the Defendant does not appear.

LXVII. That the Judge may in any Case make Orders for granting Time to the Plaintiff or Defendant to proceed in the Prosecution or Defence of the Suit, and also may from Time to Time adjourn any Court, or the Hearing or further Hearing of any Cause, in such Manner as to the Judge may seem fit.

Judge may grant Time.

LXVIII. That it shall be lawful for the Defendant in any Action brought under this Act, within such Time as shall be directed by the Rules made for regulating the Practice of the Court, to pay into Court such Sum of Money as he shall think a full Satisfaction for the Demand of the Plaintiff, together with the Costs incurred by the Plaintiff up to the Time of such Payment; and Notice of such Payment shall be communicated by the Clerk of the Court to the Plaintiff by Post, or by causing the same to be delivered at his usual Place of Abode or where he carries on Business or has Employment, and the said Sum of Money shall be paid to the Plaintiff; but if he shall elect to proceed, and if the Plaintiff shall recover no further Sum in the Action than shall have been so paid into Court, the Plaintiff shall pay to the Defendant the Costs incurred by him in the said Action after such Payment; and such Costs shall be settled by the Court, and an Order shall thereupon be made by the Court for the Payment of such Costs by the Plaintiff.

Defendant may pay Money into Court in Satisfaction of Demand.

Notice of such Payment to be given to Plaintiff.

LXIX. That on the Hearing or Trial of any Action, or on any other Proceeding in the Court, the Parties thereto, their Wives, and all other Persons, may be examined, either on behalf of the Plaintiff or Defendant, upon Oath, or solemn Affirmation in those Cases in which Persons are by Law allowed to make Affirmation instead of taking an Oath, to be administered by the proper Officer of the Court.

Parties and others may be examined.

LXX. That every Person who in any Examination upon Oath or solemn Affirmation, before any Judge of the Court, in any Action or Proceeding therein under the Provisions of this Act, shall wilfully and corruptly give false Evidence, shall be deemed guilty of Perjury.

Persons giving false Evidence guilty of Perjury.

LXXI. That either of the Parties to the Suit or any other Proceeding in the Court may obtain, at the Office of the Clerk of the Court, Summonses to Witnesses, to be served by One of the Bailiffs

Summonses to Witnesses.

vided for, incident to the holding of the Court ; and the Charge of the Court House and Offices, and Expenses thereby incurred, shall be paid out of the General Fund of the Court : Provided always, that the Treasurer or Clerk of the Court, or the Partner of such Treasurer or Clerk, or any Person in the Service or Employment of such Treasurer or Clerk, shall not be directly or indirectly concerned or interested in any such Contract, or in supplying any Articles for the Use of the Court and Offices ; provided also, that no Payment of any such Charge shall be allowed in the Clerk's Accounts until allowed under the Hand of the Judge.

Judge to hold  
the Court where  
Corporation  
shall direct.

XXXV. That the Judge of the Court shall attend and hold the Court for the Purposes of this Act at the *Guildhall* of the said City, or at the Place where the Mayor, Aldermen, and Commons shall have ordered that the Court shall be holden, at such Times as they shall appoint for that Purpose, so that a Court shall be holden for the Purposes of this Act once at least in every Month ; and Notice of the Days on which the Court will be holden for the Purposes of this Act shall be put up in some conspicuous Place in the Court and in the Office of the Clerk of the Court, and no other Notice thereof shall be needed ; and whenever any Day so appointed for holding the Court shall be altered, Notice of such intended Alteration, and of the Time when it will take effect, shall be put up in some conspicuous Place in the Court and in the Clerk's Office ; and the Judge may, if he shall think fit, adjourn the Court, and all Plaints and Proceedings therein, to the same or any future Day, and may from Time to Time hold additional Courts besides those herein-before authorized to be appointed by this Act.

Notices for hold-  
ing Courts to be  
put up in a con-  
spicuous Place.

Process of the  
Court to be  
under Seal.

XXXVI. That the Seal made or used for the Sheriffs Court for the Purposes of the said first-recited Act shall, until the same be varied or altered, be the Seal for the Court for the Purposes of this Act ; and all Summonses and other Process issuing out of the Court, under the Provisions of this Act, shall be sealed or stamped with the Seal of the Court ; and every Person who shall forge the Seal or any Process of the Court, or who shall serve or enforce any such forged Process knowing the same to be forged, or deliver or cause to be delivered to any Person any Paper falsely purporting to be a Copy of any Summons or other Process of the Court, knowing the same to be false, or who shall act or profess to act under any false Colour or Pretence of the Process of the Court, shall be guilty of Felony.

Provisions of  
7 & 8 Vict. c. 96.,  
8 & 9 Vict. c. 127.,  
and 13 & 14  
Vict. c. 61., not  
to extend to this  
Act.

XXXVII. That none of the Provisions and Enactments of an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act to amend the Laws of Insolvency, Bankruptcy, and Execution*, or of an Act passed in the Ninth Year of the Reign of Her said Majesty, intituled *An Act for the better securing the Payment of Small Debts*, or of an Act passed in the Fourteenth Year of the Reign of Her said Majesty, intituled *An Act to extend the Act for the more easy Recovery of Small Debts and Demands in England, and to amend the same*, or of any Act altering or amending the said Acts or either of them, shall extend or relate to or affect the Jurisdiction and Practice of the Sheriffs Court in any Action or Proceeding to be commenced or carried on therein under the Powers and Provisions of this Act.

XXXVIII. That

**XXXVIII.** That on the Application of any Person desirous to bring a Suit in the Court, the Clerk of the Court shall enter in a Book, to be kept for this Purpose in his Office, a Plaint in Writing stating the Names and the last known Places of Abode of the Parties, and the Substance of the Action intended to be brought, every One of which Plaints shall be numbered in every Year according to the Order in which it shall be entered; and thereupon a Summons, stating the Substance of the Action, and bearing the Number of the Plaint on the Margin thereof, shall be issued under the Seal of the Court, according to such Form, and be served on the Defendant so many Days before the Day on which the Court shall be holden at which the Cause is to be tried, as shall be directed by the Rules made for regulating the Practice of the Court, as herein-after provided; and Delivery of such Summons to the Defendant, or in such other Manner as shall be specified in the said Rules of Practice, shall be deemed good Service; and no Misnomer or inaccurate Description of any Person or Place in any such Plaint or Summons shall vitiate the same, so that the Person or Place be therein described so as to be commonly known.

**XXXIX.** That such Summons may issue, provided the Defendant or One of the Defendants shall dwell or carry on Business or have Employment within the City of *London* or the Liberties thereof at the Time of the Action brought, or provided the Defendant or One of the Defendants shall have dwelt or carried on Business or shall have had Employment therein at some Time within Six Months next before the Time of the Action brought, or if the Cause of Action either wholly or in part arose therein.

**XL.** That all Precincts and Extra-parochial Places within the City of *London* or the Liberties thereof, or adjoining thereto, shall, for the Purposes of this Act, be deemed to be Parts of the City of *London* and the Liberties thereof.

**XLI.** That any Summons or other Process which under this Act shall be required to be served out of the City of *London* or the Liberties thereof may be served by the Bailiff of any Court holden in any Part of *England*, under an Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for the more easy Recovery of Small Debts and Demands in England*, or any Act altering or amending the same; and such Service shall be as valid as if the same had been made under the Provisions of this Act by the Bailiff of the Sheriffs Court within the City of *London* or the Liberties thereof.

**XLII.** That any Summons or other Process which, under the before-mentioned Act for the more easy Recovery of Small Debts and Demands in *England*, or under any Act altering or amending the same, shall be required to be served out of the District of the Court from which the same shall have issued, may be served within the City of *London* or the Liberties thereof by the Bailiff of the Sheriffs Court; and such Service shall be as valid as if the same had been made by the Bailiff of the Court out of which such Summons or other Process shall have issued within the Jurisdiction of the Court.

**XLIII.** That Service of any Summons or other Process of the Court which shall require to be served out of the City of *London* or the Liberties thereof may be proved by Affidavit purporting to be

Suits to be by  
Plaint.

Summons may  
issue, if Defen-  
dant dwells or  
carries on Busi-  
ness in the City.

Places within or  
adjoining the  
City of *London*  
to be deemed  
Parts thereof.

Processes out of  
District of Court  
may be served  
by Bailiff of any  
other Court  
holden under  
9 & 10 Vict.c.95.

As to Service of  
Process of  
County Courts  
in the City of  
*London*.

Proof of Ser-  
vice out of Dis-  
trict, or in the  
Absence of the  
Bailiff.



be sworn before any Judge of a County Court, or before a Master Extraordinary in Chancery, or any Person now authorized by Law to take Affidavits; and the Fee for taking such Affidavit shall not be more than One Shilling, and shall be Costs in the Cause; and in every Case of the unavoidable Absence of the Bailiff by whom any Summons or other Process of the Court shall have been served the Service of such Summons or other Process may be proved, if the Judge shall think fit, in the same Manner as a Summons served out of the City of London or the Liberties thereof, but without additional Charge to either of the Parties to the Suit.

Demands not to be divided for the Purpose of bringing Two or more Suits.

XLIV. That it shall not be lawful for any Plaintiff in any Plaint to divide any Demand or Cause of Action for the Purpose of bringing Two or more Suits in the Court; but any Plaintiff having any Demand or Cause of Action for more than Fifty Pounds, for which a Plaint might be entered under this Act if not more than Fifty Pounds, may abandon the Excess of such Demand over and above Fifty Pounds, and thereupon the Plaintiff shall, on proving his Case, recover to an Amount not exceeding Fifty Pounds; and the Judgment of the Court upon such Plaint shall be in full Discharge of all Claims in respect of such Demand or Cause of Action, and Entry of the Judgment shall be made accordingly.

No Second Suit for the same Cause.

XLV. That if any Party shall sue another in the Court for any Debt or other Cause of Action for which he hath already sued him, and obtained Judgment, in any Court, the Proof of such former Suit having been brought and Judgment obtained may be given, and the Party so suing shall not be entitled to recover in such Second Suit, and shall be adjudged to pay Three Times the Costs of such Second Suit to the opposite Party.

Treble Costs.

Minors may sue for Wages.

XLVI. That it shall be lawful for any Person under the Age of Twenty-one Years to prosecute any Suit in the Court for any Sum of Money not greater than Fifty Pounds, which may be due to him for Wages or Piecework, or for Work as a Servant, in the same Manner as if he were of full Age.

As to Cases of Partnership and Intestacy.

XLVII. That the Jurisdiction of the Court shall extend to the Recovery of any Demand not exceeding the Sum of Fifty Pounds which is the whole or Part of the unliquidated Balance of a Partnership Account, or the Amount or Part of the Amount of a distributive Share under an Intestacy, or of any Legacy under a Will.

Executors may sue and be sued.

XLVIII. That it shall be lawful for any Executor or Administrator to sue and be sued in the Court, in like Manner as if he were a Party in his own Right, and Judgment and Execution shall be such as in the like Case would be given or issued in any Superior Court.

No Privilege allowed.

XLIX. That no Privilege, except as herein-after excepted, shall be allowed to any Person, to exempt him from the Jurisdiction of the Court.

One of several Persons liable may be sued.

L. That where any Plaintiff shall have any Demand recoverable in the Court against Two or more Persons jointly answerable, it shall be sufficient if any of such Persons be served with Process, and Judgment may be obtained and Execution issued against the Person or Persons so served, notwithstanding that others jointly liable

liable may not have been served or sued, or may not be within the Jurisdiction of the Court; and every such Person against whom Judgment shall have been obtained under this Act, and who shall have satisfied such Judgment, shall be entitled to demand and recover in the Court Contribution from any other Person jointly liable with him.

LI. That the Judge of the Court shall be the sole Judge in all Actions brought in the Court, and shall determine all Questions, as well of Fact as of Law, unless a Jury shall be summoned as herein-after mentioned; and no Suitors shall in any Case be summoned to hold or have any Jurisdiction in the Court.

Judge to determine Questions, unless a Jury be summoned.

LII. That in all Actions where the Amount claimed shall exceed Five Pounds it shall be lawful for the Plaintiff or Defendant to require a Jury to be summoned to try the said Action; and in all Cases where the Amount claimed shall not exceed Five Pounds it shall be lawful for the Judge, in his Discretion, on the Application of either of the Parties, to order that such Action be tried by a Jury; and in every Case such Jury shall be summoned according to the Provisions herein-after contained: Provided always, that the Party requiring a Jury to be summoned shall give to the Clerk of the Court, or leave at his Office, such Notice thereof as shall be directed by the Rules made for regulating the Practice of the Court as herein-after provided; and the said Clerk shall cause Notice of such Demand of a Jury made either by the Plaintiff or Defendant, to be communicated to the other Party to the said Action, either by Post or by causing the same to be delivered at his usual Place of Abode or Business, but it shall not be necessary for either Party to prove on the Trial that such Notice was communicated to the other Party by the Clerk.

Actions may be tried by Jury when Parties require it.

LIII. That every Party requiring any Jury to be summoned shall at the Time of giving the said Notice, and before he shall be entitled to have such Jury summoned, pay to the Clerk of the Court the Sum of Five Shillings for Payment of the Jury, and such Sum shall be considered as Costs in the Cause, unless otherwise ordered by the Judge.

Party requiring a Jury to make a Deposit.

LIV. That the Secondaries of the said City shall cause to be delivered to the Clerk of the Court a List of Persons qualified and liable to serve as Jurors in the Courts of Assize and Nisi Prius for the said City, within Fourteen Days from the First Day of *January* in each Year, each List containing only the Names of Persons residing within the Jurisdiction of the Court, for which List the said Secondaries shall be entitled to receive out of the General Fund of the Court a Fee after the Rate of Twopence for every Folio of Seventy-two Words; and whenever a Jury shall be required under the Provisions of this Act, the Clerk of the Court shall cause so many of the Persons named in the List as shall be needed, in the Opinion of the Judge, to be summoned to attend the Court at a Time and Place to be mentioned in the Summons, and shall administer or cause to be administered to such of them as shall be impanelled to try any Cause or Causes an Oath to give a true Verdict according to the Evidence; and the Persons so summoned shall attend at the Court at the Time mentioned in the Summons, and in default of Attendance shall forfeit such Sum of Money as the Judge shall direct, not being more than Five Pounds

Who shall be Jurors.

for each Default; and the Delivery of such Summons to the Person whose Attendance is required on such Jury, or Delivery thereof to his Wife or Servant, or any Inmate at the usual Place of Abode, trading, or dealing of such Person, shall be deemed good Service: Provided always, that no Person shall be summoned or compelled to serve on such Jury more than Twice within One Year, or who shall have been summoned and shall have attended upon any Jury at the Assizes, or any Court of Nisi Prius, or at the Central Criminal Court, within Six Months next before the Delivery of such Summons.

Number of the Jury.

LV. That whenever there are any Jury Trials, Five Jurymen shall be impannelled and sworn, as Occasion shall require, to give their Verdicts in the Causes which shall be brought before them in the Court, and, being once sworn, shall not need to be re-sworn in each Trial; and either of the Parties to any such Cause shall be entitled to his lawful Challenge against all or any of the said Jurors, in like Manner as he would be entitled in any Superior Court; and the Jurymen so sworn shall be required to give an unanimous Verdict.

Proceedings on hearing the Plaintiff.

LVI. That on the Day in that Behalf named in the Summons the Plaintiff shall appear, and thereupon the Defendant shall be required to appear to answer such Plaintiff; and on Answer being made in Court the Judge shall proceed in a summary Way to try the Cause and give Judgment, without further Pleading or formal Joinder of Issue.

Power to Judge to alter or amend Summons, &c.

LVII. That it shall be lawful for the Judge, if he shall think fit, to cause the Summons to be altered or amended in such Particulars and on such Terms as he shall think reasonable; but no Evidence shall be given by the Plaintiff on the Trial of any such Cause as aforesaid of any Demand or Cause of Action, except such as shall be stated in the Summons hereby directed to be issued or so amended as aforesaid.

Notices of special Defences given to the Clerk, who shall communicate the same to the Plaintiff.

LVIII. That no Defendant in the Court be allowed to set off any Debt or Demand claimed or recoverable by him from the Plaintiff, or to set up by way of Defence or to claim and have the Benefit of Infancy, Coverture, or any Statute of Limitations, or of his Discharge under any Statute relating to Bankrupts, or any Act for the Relief of Insolvent Debtors, without the Consent of the Plaintiff, unless such Notice thereof as shall be directed by the Rules made for regulating the Practice of the Court shall have been given to the Clerk of the Court; and in every Case in which the Practice of the Court shall require such Notice to be given the Clerk of the Court shall, as soon as conveniently may be after receiving such Notice, communicate the same to the Plaintiff by the Post, or by causing the same to be delivered at his usual Place of Abode or where he carries on Business or has Employment; but it shall not be necessary for the Defendant to prove on the Trial that such Notice was communicated to the Plaintiff by the Clerk.

Confession of Debts, or Parts of Debts, &c., and Judgment thereupon.

LIX. That any Person against whom a Plaintiff shall be entered in the Court may, if he think fit, whether he be summoned upon such Plaintiff or not, in the Presence of the Clerk or Assistant Clerk of the Court, or in the Presence of an Attorney of One of the Superior Courts, sign a Statement confessing and admitting the

Amount

Amount of the Debt or Demand, or Part of the Amount of the Debt or Demand for which such Plaintiff shall have been entered; and such Clerk or Assistant Clerk shall, as soon as conveniently may be after receiving such Statement, send Notice thereof to the Plaintiff by the Post, or by causing the same to be delivered at his usual Place of Abode or Business or Employment, and thereupon it shall not be necessary for the said Plaintiff to prove the Debt or Demand so confessed and admitted as aforesaid; but the Judge, at the next Sitting of the Court, whether the Parties or either of them attend the Court or not, shall, upon Proof by Affidavit of the Signature of the Party, if such Statement were not made in the Presence of the Clerk or Assistant Clerk, proceed to give Judgment for the Debt or Demand so confessed and admitted, in the same Manner and subject to the same Conditions as if he had tried the Cause and given Judgment thereupon under the Provisions of this Act.

LX. That if the Person against whom a Plaintiff shall be entered in the Court can agree with the Person on whose Behalf such Plaintiff shall have been entered upon the Amount of the Debt or Demand in respect of which such Plaintiff shall have been entered and upon the Terms and Conditions upon which the same shall be paid or satisfied, it shall be lawful for such Persons respectively, in the Presence of the Clerk or Assistant Clerk of the Court, or in the Presence of an Attorney of One of the Superior Courts, to sign a Statement of the Amount of the Debt or Demand so agreed upon between such Persons respectively, and of the Terms and Conditions upon which the same shall be paid or satisfied; such Clerk or Assistant Clerk shall receive such Statement, and shall thereupon, upon Proof by Affidavit of the Signature of the Party, if such Statement were not made in the Presence of the Clerk or Assistant Clerk, enter up Judgment for the Plaintiff for the Amount of the Debt or Demand so agreed on, and upon the Terms and Conditions mentioned in such Statement; and such Judgment shall to all Intents and Purposes be the same, and have the same Effect, and shall be enforced and enforceable in the same Manner, as if it had been a Judgment of the Judge of the Court.

LXI. That the Judge may in any Case, with the Consent of both Parties to the Suit, order the same, with or without other Matters within the Jurisdiction of the Court, in dispute between such Parties, to be referred to Arbitration, to such Person or Persons, and in such Manner and on such Terms, as he shall think reasonable and just, and such Reference shall not be revocable by either Party, except by Consent of the Judge; and the Award of the Arbitrator or Arbitrators or Umpire shall be entered as the Judgment in the Cause, and shall be as binding and effectual to all Intents as if given by the Judge; provided that the Judge may, if he think fit, on Application to him at the First Court held after the Expiration of One Week after the Entry of such Award, set aside any such Award so given as aforesaid, or may, with the Consent of both Parties aforesaid, revoke the Reference, or order another Reference to be made in the Manner aforesaid.

LXII. That the Recorder for the Time being of the said City, the Common Serjeant for the Time being of the said City, and the Judge or Judges for the Time being of the Sheriffs Court shall

Agreement as to the Amount of Debt, &c., and Conditions of Payment.

Suits may be settled by Arbitration.

Forms of Procedure in Court to be framed by the Recorder, &c.

have Power and they are hereby required, from Time to Time, to make and issue all the General Rules for regulating the Practice and Proceedings of the Court, and also to frame Forms for every Proceeding in the Court for which they shall think it necessary that a Form be provided, and also for keeping all Books, Entries, and Accounts to be kept by the Clerk of the Court, and from Time to Time to alter any such Rules or Forms, and the Rules so made and the Forms so framed shall be observed and used in the Court ; and in any Case not expressly provided for herein or by the said Rules the general Principles of Practice in the Superior Courts of Common Law may be adopted and applied, at the Discretion of the Judge, to Actions and Proceedings in the Court under the Provisions of this Act : Provided always, that the Rules made and issued for regulating the Practice and Proceedings of the Court now held under the said first-recited Act, and the Forms framed for the Proceedings in the said last-mentioned Court, and for keeping the Books, Entries, and Accounts directed to be kept by the Clerk of the Court, shall be valid and effectual until new Rules and Forms be made, framed, and issued as authorized and directed by the Provisions of this Act.

Forms to be approved by Chief Justices.

LXIII. Provided always, That no such General Rules and Forms shall be in force until the same shall have been approved by the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer, or One of them.

Proceedings if Plaintiff does not appear or prove his Case.

LXIV. That if upon the Day of the Return of any Summons, or at any Continuation or Adjournment of the Court or of the Cause for which the said Summons shall have been issued, the Plaintiff shall not appear, the Cause shall be struck out ; and if he shall appear, but shall not make Proof of his Demand to the Satisfaction of the Court, it shall be lawful for the Judge to nonsuit the Plaintiff, or to give Judgment for the Defendant, and in either Case, where the Defendant shall appear, and shall not admit the Demand, to award to the Defendant by way of Costs and Satisfaction for his Trouble and Attendance such Sum as the Judge in his Discretion shall think fit ; and such Sum shall be recoverable from the Plaintiff, by such Ways and Means as any Debt or Damage ordered to be paid by the same Court can be recovered : Provided always, that if the Plaintiff shall not appear when called upon, and the Defendant or some one duly authorized on his Behalf shall appear, and admit the Cause of Action to the full Amount claimed, and pay the Fees payable in the first instance by the Plaintiff, the Court, if it shall think fit, may proceed to give Judgment as if the Plaintiff had appeared.

If Plaintiff do not appear on Day of Hearing, Costs may be awarded to Defendant for Attendance, &c.

LXV. That in every Case where the Plaintiff shall not appear, either by himself or his Attorney, upon the Day of the Return of any Summons for Hearing, or at any Continuation or Adjournment of the said Hearing, and the Defendant shall appear either by himself or his Attorney upon such Day of Hearing, Continuation, or Adjournment, it shall be lawful for the Judge to award to the Defendant or to his Attorney, by way of Costs of his Attendance and Satisfaction for his Trouble, such Sum as the Judge in his Discretion shall think fit ; and the Sum so awarded shall be recoverable from the Plaintiff by such Ways and Means

as any Debt or Damage ordered to be paid by the Court can be recovered.

LXVI. That if on the Day so named in the Summons, or at any Continuation or Adjournment of the Court or Cause in which the Summons was issued, the Defendant shall not appear, or sufficiently excuse his Absence, or shall neglect to answer when called in Court, the Judge, upon due Proof of Service of the Summons, may proceed to the Hearing or Trial of the Cause on the Part of the Plaintiff only, and the Judgment thereupon shall be as valid as if both Parties had attended: Provided always, that the Judge in any such Case, at the same or any subsequent Court, may set aside any Judgment so given in the Absence of the Defendant, and the Execution thereupon, and may grant a new Trial of the Cause, upon such Terms (if any) as to Payment of Costs, giving Security for Debt or Costs, or such other Terms as he may think fit, on sufficient Cause shown to him for that Purpose.

Proceedings if  
the Defendant  
does not appear.

LXVII. That the Judge may in any Case make Orders for granting Time to the Plaintiff or Defendant to proceed in the Prosecution or Defence of the Suit, and also may from Time to Time adjourn any Court, or the Hearing or further Hearing of any Cause, in such Manner as to the Judge may seem fit.

Judge may  
grant Time.

LXVIII. That it shall be lawful for the Defendant in any Action brought under this Act, within such Time as shall be directed by the Rules made for regulating the Practice of the Court, to pay into Court such Sum of Money as he shall think a full Satisfaction for the Demand of the Plaintiff, together with the Costs incurred by the Plaintiff up to the Time of such Payment; and Notice of such Payment shall be communicated by the Clerk of the Court to the Plaintiff by Post, or by causing the same to be delivered at his usual Place of Abode or where he carries on Business or has Employment, and the said Sum of Money shall be paid to the Plaintiff; but if he shall elect to proceed, and if the Plaintiff shall recover no further Sum in the Action than shall have been so paid into Court, the Plaintiff shall pay to the Defendant the Costs incurred by him in the said Action after such Payment; and such Costs shall be settled by the Court, and an Order shall thereupon be made by the Court for the Payment of such Costs by the Plaintiff.

Defendant may  
pay Money into  
Court in Satis-  
faction of De-  
mand.

Notice of such  
Payment to  
be given to  
Plaintiff.

LXIX. That on the Hearing or Trial of any Action, or on any other Proceeding in the Court, the Parties thereto, their Wives, and all other Persons, may be examined, either on behalf of the Plaintiff or Defendant, upon Oath, or solemn Affirmation in those Cases in which Persons are by Law allowed to make Affirmation instead of taking an Oath, to be administered by the proper Officer of the Court.

Parties and  
others may be  
examined.

LXX. That every Person who in any Examination upon Oath or solemn Affirmation, before any Judge of the Court, in any Action or Proceeding therein under the Provisions of this Act, shall wilfully and corruptly give false Evidence, shall be deemed guilty of Perjury.

Persons giving  
false Evidence  
guilty of Per-  
jury.

LXXI. That either of the Parties to the Suit or any other Proceeding in the Court may obtain, at the Office of the Clerk of the Court, Summonses to Witnesses, to be served by One of the Bailiffs

Summonses to  
Witnesses.

of the Court, with or without a Clause requiring the Production of Books, Deeds, Papers, and Writings in their Possession or Control; and in any such Summons any Number of Names may be inserted: Provided always, that any such Summons requiring to be served out of the Jurisdiction of the said Court may be served by any Person authorized to serve the same by any of the Parties to the Suit.

Penalty on Witnesses neglecting Summons.

LXXII. That every Person on whom any such Summons shall have been served, either personally or in such other Manner as shall be directed by the General Rules or Practice of the Court, and to whom at the same Time Payment or a Tender of Payment of his Expenses shall have been made, on such Scale of Allowance as shall be from Time to Time settled by the General Rules of Practice of the Court, and who shall refuse or neglect, without sufficient Cause, to appear or to produce any Books, Papers, or Writings required by such Summons to be produced, and also every Person present in Court who shall be required to give Evidence, and who shall refuse to be sworn and give Evidence, shall forfeit and pay such Fine, not exceeding Ten Pounds, as the Judge shall set on him; and the whole or any Part of such Fine, in the Discretion of the Judge, after deducting the Costs, shall be applicable toward indemnifying the Party injured by such Refusal or Neglect, and the Remainder thereof shall form Part of the General Fund of the said Court.

As to enforcing Payment of Fines, &c.

LXXIII. That Payment of any Fine imposed by the Court may be enforced, upon the Order of the Judge, in like Manner as Payment of any Debt adjudged in the Court, and shall be accounted for as herein provided.

Costs to abide the Event of the Action,

LXXIV. That all the Costs of any Action or Proceeding in the Court, not herein otherwise provided for, shall be paid by or apportioned between the Parties in such Manner as the Judge shall think fit, and in default of any special Direction shall abide the Event of the Action, and Execution may issue for the Recovery of any such Costs in like Manner as for any Debt adjudged in the Court.

Judgments, how far final.

LXXV. That every Order and Judgment of the Court, except as herein provided, shall be final and conclusive between the Parties; but the Judge shall have Power to nonsuit the Plaintiff in every Case in which satisfactory Proof shall not be given to him entitling either the Plaintiff or the Defendant to the Judgment of the Court, and shall also in every Case whatever have the Power, as often as he shall think fit, to order a new Trial to be had, upon such Terms as he shall think reasonable, and in the meantime to stay the Proceedings.

No Actions to be removed into Superior Courts, but on certain Conditions.

LXXVI. That no Plaint entered in the Court under the Provisions or by the Authority of this Act, or by this Act directed to be continued therein, shall be removed or removable from the Court into Her Majesty's Superior Courts of Record by any Writ or Process, unless the Debt or Damage claimed shall exceed Five Pounds, and then only by Leave of a Judge of One of the said Superior Courts, in Cases which shall appear to the Judge fit to be tried in One of the Superior Courts, and upon such Terms as to Payment of Costs, giving Security for Debt or Costs, or such other Terms as he shall think fit.

LXXVII. That

**LXXVII.** That no Plaint entered in the Court under the Provisions of this Act, or by this Act directed to be continued therein, shall in any Case be removed or removable from the Court by Writ of *Levetur querela*, or any other Writ or Process, into the Court of our Lady the Queen holden before the Lord Mayor and Aldermen in the Chamber of the *Guildhall* of the City of *London*, or into the Court of *Hustings* in the City of *London*, nor be liable to be re-heard or examined by the Lord Mayor of the City of *London* by Markment or other customary Process.

No Actions to be removed in any Case into the Lord Mayor's Court, &c.

**LXXVIII.** That if either Party in any Cause of an Amount exceeding Twenty and not exceeding Fifty Pounds shall be dissatisfied with the Determination or Direction of the Court in point of Law, or upon the Admission or Rejection of any Evidence, such Party may appeal from the same to any of the Superior Courts of Common Law at *Westminster*, Two or more of the Puisne Judges whereof shall sit out of Term as a Court of Appeal for that Purpose; provided that such Party shall within Ten Days after such Determination or Direction give Notice of such Appeal to the other Party or his Attorney, and also give Security, to be approved by the Clerk of the Court, for the Costs of the Appeal, whatever be the Event of the Appeal, and for the Amount of the Judgment, if he be the Defendant, and the Appeal be dismissed: Provided nevertheless, that such Security, so far as regards the Amount of the Judgment, shall not be required in any Case where the Judge of the Court shall have ordered the Party appealing to pay the Amount of such Judgment into the Hands of the Clerk of the Court, and the same shall have been paid accordingly; and the said Court of Appeal may either order a new Trial, on such Terms as it thinks fit, or may order Judgment to be entered for either Party, as the Case may be, and may make such Order with respect to the Costs of the said Appeal as such Court may think proper, and such Orders shall be final.

Power to Parties dissatisfied with Judgment to appeal to a Superior Court.

**LXXIX.** That such Appeal shall be in the Form of a Case agreed on by both Parties or their Attornies; and if they cannot agree the Judge of the Court, upon being applied to by them or their Attornies, shall settle the Case, and sign it; and such Case shall be transmitted by the Appellant to the Rule Department of the Masters Office of the Court in which the Appeal is to be brought.

Appeal to be in the Form of a Case, &c.

**LXXX.** That, save and except in the Manner and according to the Provisions herein mentioned, no Judgment, Order, or Determination given or made by the Judge of the Court, nor any Cause or Matter brought before him, or pending in the Court, shall be removed by Appeal, Motion, Writ of Error, Certiorari, or otherwise into any other Court whatever.

No Certiorari to be allowed.

**LXXXI.** That no Person shall, unless by Leave of the Court, be entitled to appear for any other Party to any Proceeding in the Court unless he be an Attorney of One of Her Majesty's Superior Courts of Record, or a Barrister-at-Law instructed by such Attorney on behalf of the Party; but no Barrister or Attorney, or other Person, except by Leave of the Judge, shall be entitled to be heard to argue any Question, as Counsel, Attorney, or Agent for any other Person, in any Proceeding in the Court; and no Person, not being an Attorney admitted to One of Her Majesty's Superior Courts of Record, shall be entitled to have or recover any Sum of

Who may appear for any Party in the Court.



Money for appearing or acting on behalf of any other Person in the Court ; and the Judge shall have Power, and he is hereby required, from Time to Time, to settle and regulate the Fees to be taken by Barristers-at-Law and Attornies practising in the Court, and in what Cases the Expense of employing Barristers and Attornies shall be allowed on Taxation of Costs.

Court may make Orders for Payment by Instalments.

LXXXII. That the Judge may make Orders concerning the Time or Times, and by what Instalments, any Debt or Damages, or Costs, for which Judgment shall be obtained in the Court, shall be paid ; and all such Monies shall be paid into Court, unless the Judge shall otherwise direct.

As to cross Judgments.

LXXXIII. That if there shall be cross Judgments between the Parties, Execution shall be taken out by that Party only who shall have obtained Judgment for the larger Sum, and for so much only as shall remain after deducting the smaller Sum, and Satisfaction for the Remainder shall be entered, as well as Satisfaction on the Judgment for the smaller Sum ; and if both Sums shall be equal, Satisfaction shall be entered upon both Judgments.

Court may award Execution against Goods.

LXXXIV. That whenever the Judge shall, under the Provisions of this Act, have made an Order for the Payment of Money, the Amount shall be recoverable, in case of Default or Failure of Payment thereof forthwith, or at the Time or Times and in the Manner thereby directed, by Execution against the Goods and Chattels of the Party against whom such Order shall be made ; and the Clerk of the Court, at the Request of the Party prosecuting such Order, shall issue under the Seal of the Court a Writ of Fieri facias as a Warrant of Execution to the Chief Bailiff of the Court, who by such Warrant shall be empowered to levy or cause to be levied, by Distress and Sale of the Goods and Chattels of such Party, such Sum of Money as shall be so ordered, wheresoever they may be found within the City of *London* or the Liberties thereof, and also the Costs of the Execution ; and all Constables and other Peace Officers within their several Jurisdictions shall aid in the Execution of every such Warrant.

Execution not to issue till after Default in Payment of some Instalment, and then to issue for whole Sum due.

LXXXV. That if the Judge shall have made any Order for the Payment of any Sum of Money by Instalments, Execution upon such Order shall not issue against the Party until after Default in Payment of some Instalment according to such Order ; and Execution or successive Executions may then issue for the whole of the said Sum of Money and Costs then remaining unpaid, or for such Portion thereof as the Judge shall order, either at the Time of making the original Order or at any subsequent Time, under the Seal of the Court.

What Goods may be taken in Execution.

LXXXVI. That every Bailiff or Officer executing any Process of Execution issuing out of the Court against the Goods and Chattels of any Person may by virtue thereof seize and take any of the Goods and Chattels of such Person (excepting the Wearing Apparel and Bedding of such Person or his Family, and the Tools and Implements of his Trade, which shall to the Extent of Five Pounds be protected from such Seizure), and may also seize and take any Money or Bank Notes (whether of the Bank of *England* or any other Bank), and any Cheques, Bills of Exchange, Promissory Notes, Bonds, Specialties, or Securities for Money belonging

to any such Person against whom any such Execution shall have issued as aforesaid.

LXXXVII. That the Bailiff executing any such Process of Execution shall hold any Cheques, Bills of Exchange, Promissory Notes, Bonds, Specialties, or other Securities for Money which shall have been so seized or taken as aforesaid as a Security or Securities for the Amount directed to be levied by such Execution, or so much thereof as shall not have been otherwise levied or raised, for the Benefit of the Plaintiff; and the Plaintiff may sue thereon in his own Name or in the Name of the Defendant, or in the Name of any Person in whose Name the Defendant might have sued, for the Recovery of the Sum or Sums secured or made payable thereby, when the Time of Payment thereof shall have arrived.

Securities seized to be held by Bailiff.

LXXXVIII. That it shall be lawful for any Party who has obtained a Judgment or Order in the Court, either under this Act or under the said recited Act, for the Payment of any Debt or Damages, or Costs, which Judgment or Order shall not be satisfied, and for any Party who has obtained a Judgment or Order in any County Court established under or by virtue of the before-mentioned Act for the more easy Recovery of Small Debts and Demands in *England*, which last-mentioned Judgment or Order shall not be satisfied, to obtain a Summons from the Court, in case the Party against whom such Judgment or Order shall have been obtained shall then dwell or carry on Business or have Employment within the City of *London* or the Liberties thereof, such Summons to be in such Form as shall be directed by the Rules made for regulating the Practice of the Court; and it shall be lawful for any Party who has obtained any such Judgment or Order in the Court, which said last-mentioned Judgment or Order shall not be satisfied, to obtain a Summons from any County Court established under or by virtue of the last-mentioned Act for the more easy Recovery of Small Debts and Demands in *England*, within the Limits of which Court the Party against whom such last-mentioned Judgment or Order shall have been obtained shall then dwell or carry on Business, such last-mentioned Summons to be in such Form as shall be directed by the Rules made for regulating the Practice of the said County Court, which Summonses, as the Case may be, are to be respectively served personally upon the Person to whom it is directed, requiring him to appear at such Time as shall be directed by the said Rules, to answer such Things as are named in such Summons; and if he shall appear in pursuance of such Summons, he may be examined upon Oath touching his Estate and Effects, and the Manner and Circumstances under which he contracted the Debt or incurred the Damages or Liability which is or are the Subject of the Action in which Judgment has been obtained against him, and as to the Means and Expectation he then had and as to the Property and Means he still hath of discharging the said Debt or Damages or Liability, and as to the Disposal he may have made of any Property; and the Person obtaining such Summons as aforesaid, and all other Witnesses whom the Judge shall think requisite, may be examined upon Oath touching the Inquiries authorized to be made as aforesaid; and the Costs of such Summons and of all Proceedings thereon shall be deemed Costs in the Cause.

Parties having obtained an unsatisfied Judgment may obtain a Summons on Charge of Fraud.

LXXXIX. That

Commitment  
for Frauds, &c.

**LXXXIX.** That if the Party so summoned shall not attend as required by such Summons, or shall not allege a sufficient Excuse for not attending, or shall, if attending, refuse to be sworn or to disclose any of the Things aforesaid, or if he shall not make Answer touching the same to the Satisfaction of the Judge, or if it shall appear to the Judge, either by the Examination of the Party or by any other Evidence, that such Party, if a Defendant, in incurring the Debt or Liability which is the Subject of the Action in which Judgment has been obtained, has obtained Credit from the Plaintiff under false Pretences, or by means of Fraud or Breach of Trust, or has wilfully contracted such Debt or Liability without having had at the same Time a reasonable Expectation of being able to pay or discharge the same, or shall have made or caused to be made any Gift, Delivery, or Transfer of any Property, or shall have charged, removed, or concealed the same with Intent to defraud his Creditors or any of them, or if it shall appear to the Satisfaction of the Judge that the Party so summoned has then, or has had since the Judgment obtained against him, sufficient Means and Ability to pay the Debt or Damages, or Costs, so recovered against him, either altogether or by any Instalment or Instalments which the Court in which the Judgment was obtained shall have ordered, and if he shall refuse or neglect to pay the same as shall have been so ordered, or as shall be ordered pursuant to the Power herein-after provided, it shall be lawful for the Judge, if he shall think fit, to order that any such Party may be committed to some Gaol or House of Correction of the County, District, or Place in which the Party summoned is resident, or to some Gaol or House of Correction or other Prison within or for the City of *London* or the Liberties thereof, for any Period not exceeding Forty Days.

Power of Judge  
to rescind or  
alter Orders.

**XC.** That it shall be lawful for the Judge of any Court before whom such Summons shall be heard, if he shall think fit, whether or not he shall make any Order for the Committal of the Defendant, to rescind or alter any Order that shall have been previously made against any Defendant so summoned before him, for the Payment by Instalments or otherwise of any Debt or Damages recovered, and to make any further or other Order, either for the Payment of the whole of such Debt or Damages and Costs forthwith, or by any Instalments, or in any other Manner as such Judge may think reasonable and just.

Power to ex-  
amine and com-  
mit at Hearing  
of the Cause.

**XCI.** That in every Case where the Defendant in any Suit brought or continued in the Court, or, as the Case may be, in any County Court, shall have been served with the Summons to appear, or shall personally appear at the Trial of the same, the Judge at the Hearing of the Cause or at any Adjournment thereof, if Judgment shall be given against the Defendant, shall have the same Power and Authority of examining the Defendant and the Plaintiff and other Parties, touching the several Things herein-before mentioned, and of committing the Defendant to Prison, and of making an Order, as he might have and exercise under the Provisions herein-before contained in case the Plaintiff had obtained a Summons for that Purpose after the Judgment obtained as herein-before mentioned.

**XCII.** That

**XCII.** That whenever any Order of Commitment shall have been made as aforesaid, the Clerk of the Court shall issue, under the Seal of the Court, a Warrant of Commitment directed to One of the Bailiffs of the Court, who by such Warrant shall be empowered to take the Body of the Person against whom such Order shall be made; and in like Manner, whenever any Order of Commitment shall have been made by the Judge of any County Court, the Clerk of such Court may issue, under the Seal of the Court, a Warrant of Commitment directed to One of the Bailiffs of the Court, who by such Warrant shall be empowered to take the Body of the Person against whom such Order shall be made; and all Constables and other Peace Officers within their several Jurisdictions shall aid in the Execution of every such Warrant; and the Gaoler or Keeper of every Gaol, House of Correction, and Prison mentioned in any such Order shall be bound to receive and keep the Defendant therein until discharged under the Provisions of this Act, or otherwise by due Course of Law; and no Protection, Order, or Certificate granted by any Court of Bankruptcy or for the Relief of Insolvent Debtors shall be available to discharge any Defendant from any Commitment under such last-mentioned Order.

Mode of issuing  
and executing  
Warrants of  
Commitment.

**XCIII.** That no Imprisonment under this Act shall in anywise operate as a Satisfaction or Extinguishment of the Debt or other Cause of Action on which a Judgment had been obtained, or protect the Defendant from being anew summoned and imprisoned for any new Fraud or other Default rendering him liable to be imprisoned under this Act, or deprive the Plaintiff of any Right to take out Execution against the Goods and Chattels of the Defendant, in the same Manner as if such Imprisonment had not taken place.

Imprisonment  
not to operate as  
a Satisfaction  
for the Debt, &c.

**XCIV.** That in all Cases where a Warrant of Execution shall have issued against the Goods and Chattels of any Party, or an Order for his Commitment shall have been made under this Act, and such Party or his Goods and Chattels shall be out of the Jurisdiction of the Court, it shall be lawful for the Chief Bailiff of the Court to send such Warrant of Execution or of Commitment to the Clerk of any County Court constituted under the before-mentioned Act for the more easy Recovery of Small Debts and Demands in *England* within the Jurisdiction of which such Party or his Goods and Chattels shall then be or be believed to be, with a Warrant thereto annexed, under the Hand of the Chief Bailiff and Seal of the Court holden under the Provisions of this Act, requiring Execution of the same; and the Clerk of the County Court to which the same shall be sent shall seal or stamp the same with the Seal of his Court, and issue the same to the High Bailiff of his Court; and thereupon such Bailiff shall be authorized and required to act in all respects as if the original Warrant of Execution or Commitment had been directed to him by the Court of which he is the High Bailiff, and shall, within such Time as shall be specified in the Rules of Practice, return to the Chief Bailiff of the Court holden under the Provisions of this Act what he shall have done in the Execution of such Process; and in case a Levy shall have been made shall, within such Time as shall be specified in the Rules of Practice, pay over all Monies received

How Execution  
may be had out  
of the Jurisdic-  
tion of the  
Court.

received in pursuance of the Warrant to the Chief Bailiff of the Court holden under the Provisions of this Act, retaining the Fees for Execution of the Process ; and where any Order of Commitment shall have been made, and the Person apprehended, he shall be forthwith conveyed, in Custody of the Bailiff or Officer apprehending him, to the Gaol or House of Correction or other Prison of the Court within the Jurisdiction of which he shall have been apprehended, and kept therein for the Time mentioned in the Warrant of Commitment, unless sooner discharged under the Provision of this Act ; and all Constables and other Peace Officers shall be aiding and assisting within their respective Districts in the Execution of such Warrant : Provided always, that if such Party, or his Goods and Chattels, shall not be within the Jurisdiction of any County Court constituted under the before-mentioned Act, it shall be lawful for the Bailiff of the Court holden under the Provisions of this Act to apply to any Justice of the Peace acting for the County or Place in which such Party or his Goods and Chattels shall happen to be, and upon such Officer producing to such Justice such Warrant, and making Oath (which Oath such Justice is hereby empowered to administer) that the same has been duly issued out of the Court, and that the Person or Goods and Chattels (as the Case may be) of such Person is or are not to be found within the Jurisdiction of the Court, but is or are believed by such Officer to be within the County or Place where such Justice acts, such Justice shall sign his Name on the Back of such Warrant, and thereupon such Bailiff shall have Power to take the Body or Goods and Chattels of such Person (as the Case may be) wheresoever the same shall be found within such County or Place, and deal forthwith, in like Manner as if the same had been taken within the Jurisdiction of the Court ; and all Constables and other Peace Officers are hereby required to be aiding, within their respective Jurisdictions, in the Execution of the Warrant so endorsed as aforesaid.

How Execution  
out of any  
County Court  
may be had  
within the Juris-  
diction of this  
Court.

XCV. That in all Cases where a Warrant of Execution shall have issued against the Goods and Chattels of any Party, or an Order for his Commitment shall have been made, under the before-mentioned Act for the more easy Recovery of Small Debts and Demands in *England*, and such Party or his Goods and Chattels shall be or be believed to be within the City of *London* or the Liberties thereof, it shall be lawful for the High Bailiff of the County Court from which such Warrant of Execution shall have issued, or by which such Order of Commitment shall have been made, to send such Warrant or Order to the Chief Bailiff of the Sheriffs Court, with a Warrant thereto annexed under the Hand of the High Bailiff and the Seal of the County Court from which the original Warrant or Order issued, requiring Execution of the same, and the Clerk of the Sheriffs Court shall seal or stamp the same with the Seal of the Court holden under the Provisions of this Act, and shall issue the same to the Chief Bailiff of the Court ; and thereupon such Chief Bailiff shall be authorized and required to act in all respects as if the original Warrant of Execution or Order of Commitment had been directed to him by the Court holden under the Authority of this Act, and shall, within such Time as shall be specified in the Rules of Practice,

return

return to the High Bailiff of the County Court from which the same originally issued what he shall have done in the Execution of such Process ; and in case a Levy shall have been made shall, within such Time as shall be specified in the Rules of Practice, pay over all Monies received in pursuance of the Warrant to the High Bailiff of the Court from which the same shall have originally issued, retaining the Fees for Execution of the Process ; and where any Order of Commitment shall have been made, and the Person apprehended mentioned in such Order shall be within the City of *London* or the Liberties thereof, he shall be forthwith conveyed in the Custody of the Bailiff or Officer apprehending him to some Gaol, House of Correction, or other Prison within the City of *London* or the Liberties thereof, and kept therein for the Time mentioned in the Warrant of Commitment, unless sooner discharged under the Provisions of the before-mentioned Act for the Recovery of Small Debts and Demands in *England*, or under any Act altering or amending the same.

XCVI. That if it shall at any Time appear to the Satisfaction of the Judge, by the Oath or Affirmation of any Person, or otherwise, that any Defendant is unable, from Sickness or other sufficient Cause, to pay and discharge the Debt or Damages recovered against him, or any Instalment thereof ordered to be paid as aforesaid, it shall be lawful for the Judge, in his Discretion, to suspend or stay any Judgment, Order, or Execution given, made, or issued in such Action, for such Time and on such Terms as the Judge shall think fit, and so from Time to Time, until it shall appear, by the like Proof as aforesaid, that such temporary Cause of Disability has ceased.

Power to Judge  
to suspend Exe-  
cution in certain  
Cases.

XCVII. That no Sale of any Goods which shall be taken in Execution as aforesaid shall be made until after the End of Five Days at least next following the Day on which such Goods shall have been so taken, unless such Goods be of a perishable Nature, or upon the Request in Writing of the Party whose Goods shall have been taken ; and until such Sale the Goods shall be deposited by the Bailiff in some fit Place, or they may remain in the Custody of a fit Person, approved by the Chief Bailiff, to be put in possession by the Bailiff ; and it shall be lawful for the Chief Bailiff, from Time to Time, as he shall think proper, to appoint such and so many Persons for keeping Possession, and so many Sworn Brokers and Appraisers, for the Purpose of selling or valuing any Goods, Chattels, or Effects taken in Execution under this Act, as shall appear to him to be necessary, and to direct Security to be taken from each of them for such Sum and in such Manner as he shall think fit, for the faithful Performance of their Duties without Injury or Oppression ; and the Judge or Chief Bailiff may dismiss any Person, Broker, or Appraiser so appointed ; and no Goods taken in Execution under this Act shall be sold for the Purpose of satisfying the Warrant of Execution, except by One of the Brokers or Appraisers so appointed ; and the Brokers or Appraisers so appointed shall be entitled to have out of the Produce of the Goods so distrained or sold Sixpence in the Pound on the Value of the Goods for the Appraisement thereof, whether by One Broker or more, over and above the Stamp Duty, and for Advertisements, Catalogues, Sale and Commission,

Regulating the  
Sale of Goods  
taken in Execu-  
tion.

Commission, and Delivery of Goods, One Shilling in the Pound on the net Produce of the Sale.

As to the Liability of Goods taken in Execution under 8 Anne, c. 17.

Landlords may claim certain Rents in arrear.

Bailiffs making Levies may distrain for Rent and Costs.

Bailiff entitled to Fees allowed by 57 G.3 c. 93, in certain Cases.

No Execution shall be stayed by Writ of Error.

Execution to be superseded on Payment of Debt and Costs.

XCVIII. That so much of an Act passed in the Eighth Year of the Reign of Queen Anne, intituled *An Act for the better Security of Rents, and to prevent Frauds committed by Tenants*, as relates to the Liability of Goods taken by virtue of any Execution, shall not be deemed to apply to Goods taken in Execution under the Process of the Court; but the Landlord of any Tenement in which any such Goods shall be so taken shall be entitled, by any Writing under his Hand or under the Hand of his Agent, to be delivered to the Bailiff or Officer making the Levy, (which Writing shall state the Amount of the Rent claimed to be in arrear and unpaid, and the Time for and in respect of which such Rent is claimed to be due, in like Manner as is required by Law in Cases of ordinary Distress for Rent,) to claim the Rent so in arrear and unpaid, not exceeding the Rent of Four Weeks where the Tenement is let by the Week, and not exceeding the Rent accruing due in Two Terms of Payment where the Tenement is let for any other Term less than a Year, and not exceeding in any Case the Rent accruing due in One Year; and in case of any such Claim being so made the Bailiff or Officer making the Levy shall distrain as well for the Amount of the Rent so claimed, and the Costs of such additional Distress, as for the Amount of Money and Costs for which the Warrant of Execution issued under this Act, and shall not proceed to sell the same or any Part thereof within Five Days next after such Distress taken; and for every such additional Distress for Rent in arrear the Bailiff of the Court shall be entitled to have, as the Costs of the Distress, instead of the Fees allowed by this Act for making such Distress and keeping Possession thereof, the Fees allowed by an Act passed in the Fifty-seventh Year of the Reign of King George the Third, intituled *An Act to regulate the Costs of Distresses levied for the Payment of small Rents*; and if any Replevin be made of the Goods so distrained, so much of the Goods taken under the said Warrant of Execution shall be sold as will satisfy the Money and Costs for which the said Warrant issued, and the Costs of the Sale, and the Surplus of such Sale, and the Goods so distrained, shall be returned as in other Cases of Distress for Rent, and Replevin thereof; but no Execution Creditor under this Act shall be satisfied his Debts out of the Proceeds of such Execution and Distress, or Execution only, where the Tenant shall replevy, until the Landlord, who shall conform to the Provisions of this Act, shall have been paid the Rent in arrear for the Period herein-before mentioned.

XCIX. That no Judgment or Execution shall be stayed, delayed, or reversed upon or by any Writ of Error or Supersedeas thereon to be sued for the reversing of any Judgment given in the Court.

C. That in or upon every Warrant of Execution issued against the Goods and Chattels of any Person whomsoever the Clerk of the Court shall cause to be inserted or endorsed the Sum of Money and Costs adjudged, with the Sums allowed by this Act, as increased Costs for the Execution of such Warrant; and if the Party against whom such Execution shall be issued shall, before

an actual Sale of the Goods and Chattels, pay or cause to be paid or tendered unto the Clerk of the Court, or of any other Court out of which such Warrant of Execution has issued, or to the Bailiff holding the Warrant of Execution, such Sum of Money and Costs as aforesaid, or such Part thereof as the Person entitled thereunto shall agree to accept, in full of his Debt or Damages and Costs, together with the Fees herein directed to be paid, the Execution shall be superseded, and the Goods and Chattels of the said Party shall be discharged and set at liberty.

CL. That any Person imprisoned under this Act who shall have paid or satisfied the Debt or Demand, or the Instalments thereof payable, and Costs, remaining due at the Time of the Order of Imprisonment being made, together with the Costs of obtaining such Order, and all subsequent Costs, shall be discharged out of Custody, upon the Certificate of such Payment or Satisfaction, signed by the Clerk of the Court, by Leave of the Judge.

Debtor to be discharged from Custody upon Payment of Debt and Costs.

CII. That the Clerk of the Court shall cause a Note of all Plaints and Summonses, and of all Orders, and of all Judgments and Executions, and Returns thereto, and of all Fines, and of all other Proceedings of the Court, to be fairly entered from Time to Time in a Book belonging to the Court, which shall be kept at the Office of the Court; and such Entries in the said Book, or a Copy thereof, bearing the Seal of the Court, and purporting to be signed and certified as a true Copy by the Clerk of the Court, shall at all Times be admitted in all Courts and Places whatsoever as Evidence of such Entries, and of the Proceeding referred to by such Entry or Entries, and of the Regularity of such Proceeding, without any further Proof.

Minutes of Proceedings to be kept.

CIII. That the Clerk of the Court shall, in the Month of *March* in each Year, make out a correct List of all Sums of Money belonging to Suitors in the Court of Requests abolished by the first-recited Act, or in the Court held under the Provisions of such Act, which shall have been paid into Court, and which shall have remained unclaimed for Five Years before the First Day of the Month of *January* then last past, specifying the Names of the Parties for whom or on whose Account the same were so paid into Court, and a Copy of such List shall be put up, and remain during Court Hours, in some conspicuous Part of the Court House, and at all Times in the Clerk's Office; and all Sums of Money which shall have been paid into Court to the Use of any such Suitor or Suitors thereof, and which shall have remained unclaimed for the Period of Six Years after the same shall have been paid into and which are now in the Hands of the Treasurer or any Officer of the Court or otherwise held in trust for such Suitors, and all further Sums of Money which shall hereafter be paid into the Court to the Use of any Suitor or Suitors thereof, shall, if unclaimed for the Period of Six Years after the same shall have been so paid into Court, be applicable as Part of the General Fund of the Court, and shall be carried to the Account of such Fund; and no Person shall be entitled to claim any Sum which shall have remained unclaimed for Six Years, but no Time during which the Person entitled to claim such Sum shall have been an Infant, or Feme Covert, or of unsound Mind, or beyond the Seas, shall be taken into account in estimating the said Period of Six Years.

Suitors Money unclaimed in Six Years to go to General Fund.

CIV. That



Power of Commital for Contempt.

CIV. That if any Person shall wilfully insult the Judge, or any Juror, or any Bailiff, Clerk, or Officer of the Court for the Time being, during his sitting or Attendance in Court, or in going to or returning from the Court, or shall wilfully interrupt the Proceedings of the Court, or otherwise misbehave in Court, it shall be lawful for any Bailiff or Officer of the Court, with or without the Assistance of any other Person, by the Order of the Judge, to take such Offender into Custody, and detain him until the rising of the Court; and the Judge shall be empowered, if he shall think fit, by a Warrant under his Hand, and sealed with the Seal of the Court, to commit any such Offender to any Prison to which he has Power to commit Offenders under this Act, for any Time not exceeding Seven Days, or to impose upon any such Offender a Fine not exceeding Five Pounds for every such Offence, and in default of Payment thereof to commit the Offender to any such Prison as aforesaid for any Time not exceeding Seven Days, unless the said Fine be sooner paid.

Penalty for assaulting Bailiffs, or rescuing Goods taken in Execution.

CV. That if any Officer or Bailiff of the Court shall be assaulted while in the Execution of his Duty, or if any Rescue shall be made, or attempted to be made, of any Goods levied under Process of the Court, the Person so offending shall be liable to a Fine not exceeding Five Pounds, to be recovered by Order of the Court, or before a Justice of the Peace, as herein-after provided; and it shall be lawful for the Bailiff of the Court, or any Peace Officer, in any such Case to take the Offender into Custody (with or without Warrant), and bring him before such Court or Justice accordingly.

Bailiffs made answerable for Escapes, and Neglect to levy Execution.

CVI. That in case any Bailiff of the Court who shall be employed to levy any Execution against Goods and Chattels shall, by Neglect or Connivance or Omission, lose the Opportunity of levying any such Execution, then, upon Complaint of the Party aggrieved by reason of such Neglect, Connivance, or Omission (and the Fact alleged being proved to the Satisfaction of the Court, on the Oath of any credible Witness), the Judge shall order such Bailiff to pay such Damages as it shall appear that the Plaintiff has sustained thereby, not exceeding in any Case the Sum of Money for which the said Execution issued; and the Bailiff shall be liable thereto, and upon Demand made thereof, and on his Refusal so to pay and satisfy the same, Payment thereof shall be enforced by such Ways and Means as are herein provided for enforcing a Judgment recovered in the Court.

Remedies against and Penalties on Bailiffs and other Officers for Misconduct.

CVII. That if any Clerk, Bailiff, or Officer of the Court, acting under Colour or Pretence of the Process of the Court, shall be charged with Extortion or Misconduct, or with not duly paying or accounting for any Money levied by him under the Authority of this Act, it shall be lawful for the Judge to inquire into such Matter in a summary Way, and for that Purpose to summon and enforce the Attendance of all necessary Parties, in like Manner as the Attendance of Witnesses in any Case may be enforced, and to make such Order thereupon for the Repayment of any Money extorted, or for the due Payment of any Money so levied as aforesaid, and for the Payment of such Damages and Costs, as he shall think just, and also, if he shall think fit, to impose such Fine upon the Clerk, Bailiff, or Officer, not exceeding Ten Pounds for each Offence, as he shall deem adequate; and in default of Payment of  
any

any Money so ordered to be paid, Payment of the same may be enforced by such Ways and Means as are herein provided for enforcing a Judgment recovered in the Court.

**CVIII.** That every Treasurer, Clerk, Bailiff, or other Officer employed in putting this Act or any of the Powers thereof in execution, who shall wilfully and corruptly exact, take, or accept any Fee or Reward whatsoever, other than and except such Fees as are or shall be appointed and allowed respectively as aforesaid, for or on account of anything done or to be done by virtue of this Act, or on any account whatsoever relative to putting this Act into execution, shall, upon Proof thereof before the Court, be for ever incapable of serving or being employed under this Act in any Office of Profit or Emolument, and shall also be liable for Damages as herein provided.

Penalty on  
Officers taking  
Fees, besides  
those allowed.

**CIX.** That if any Claim shall be made to or in respect of any Goods or Chattels taken in Execution under the Process of the Court, or in respect of the Proceeds or Value thereof, by any Landlord for Rent, or by any Person not being the Party against whom such Process has issued, it shall be lawful for the Clerk of the Court, upon Application of the Officer charged with the Execution of such Process, as well before as after any Action brought against such Officer, to issue a Summons, calling before the Court as well the Party issuing such Process as the Party making such Claim; and thereupon any Action which shall have been brought in any of Her Majesty's Superior Courts of Record, or in any local or inferior Court, in respect of such Claim, shall be stayed; and the Court in which such Action shall have been brought, or any Judge thereof, on Proof of the Issue of such Summons, and that the Goods and Chattels were so taken in Execution, may order the Party bringing such Action to pay the Costs of all Proceedings had upon such Action after the Issue of such Summons out of the Court holden under the Provisions of this Act; and the Judge of the Court shall adjudicate upon such Claim, and make such Order between the Parties in respect thereof, and of the Costs of the Proceedings, as to him shall seem fit; and such Order shall be enforced in like Manner as any Order made in any Suit brought in such Court.

Claims as to  
Goods taken in  
Execution to  
be adjudicated  
in Court.

**CX.** That all Actions of Replevin in Cases of Distress for Rent in arrear, or Damage faisant, made within the Jurisdiction of the Court, may be brought in the Court without Writ.

Concerning  
Actions of  
Replevin.

**CXI.** That in case either Party to any such Action of Replevin shall declare to the Court that the Title to any corporeal or incorporeal Hereditament, or to any Leasehold Premises, or to any Tithe, Toll, Market, Fair, or Franchise, or to the whole or any Part of the Distress, is in question, or that the Rent or Damage in respect of which the Distress shall have been taken is more than the Sum of Fifty Pounds, and shall become bound, with Two sufficient Sureties, to be approved by the Clerk of the Court, in such Sums as to the Judge shall seem reasonable, regard being had to the Nature of the Claim and the alleged Value or Amount of the Property in dispute, or of the Rent or Damage, to prosecute the Suit with Effect and without Delay, and to prove before the Court by which such Suit shall be tried that such Title as aforesaid is in dispute between the Parties, or that there was Ground for

How Actions of  
Replevin may  
be removed.

believing that the said Rent or Damage was more than Fifty Pounds, then, and not otherwise, the Action may be removed before any Court competent to try the same.

Possession of small Tenements may be recovered by Plaintiff in the Court.

If Tenant, &c. neglect to appear, or refuse to give Possession, Judge may, on Proof of Service of Summons, issue a Warrant to enforce the same.

**CXII.** That when and so soon as the Term and Interest of the Tenant of any House, Land, or other corporeal Hereditament, situate either in the whole or in part within the Jurisdiction of the Court, where the Value of the Premises or the Rent payable in respect of such Tenancy did not exceed the Sum of Fifty Pounds by the Year, and upon which no Fine shall have been paid, shall have ended, or shall have been duly determined by a legal Notice to quit, and such Tenant, or, if such Tenant do not actually occupy the Premises or occupy only a Part thereof, any Person by whom the same or any Part thereof shall be then actually occupied, shall neglect or refuse to quit and deliver up Possession of the Premises or of such Part thereof respectively, it shall be lawful for the Landlord or his Agent to enter a Plaintiff in the Court, and thereupon a Summons shall issue to the Person so neglecting or refusing; and if the Tenant or Occupier shall not thereupon appear at the Time and Place appointed, and show Cause to the contrary, and shall still neglect or refuse to deliver up Possession of the Premises, or of such Part thereof of which he is then in possession, to the said Landlord or his Agent, it shall be lawful for such Landlord or Agent to give to the Court Proof of the holding and of the End or other Determination of the Tenancy, with the Time or Manner thereof, and, where the Title of the Landlord has accrued since the letting of the Premises, the Right by which he claims the Possession; and upon Proof of the Service of the Summons, and of the Neglect or Refusal of the Tenant or Occupier, as the Case may be, it shall be lawful for the Judge to issue a Warrant under the Seal of the Court to any Bailiff of the Court, requiring and authorizing him, within a Period to be therein named, not less than Seven or more than Ten clear Days from the Date of such Warrant, to give Possession of the Premises to such Landlord or Agent, and to levy upon the Goods and Chattels of the Person or Persons so holding over, in the same Manner as upon a Judgment obtained in the Court, such Sum of Money as shall be ordered by the Court to be paid to the Landlord for his Costs occasioned by such holding over as aforesaid; and such Warrant shall be a sufficient Warrant to the said Bailiff to enter upon the Premises, with such Assistants as he shall deem necessary, and to give Possession accordingly, and to make such Levy as aforesaid: Provided always, that Entry upon any such Warrant shall not be made on a *Sunday*, *Good Friday*, or *Christmas Day*, or at any Time except between the Hours of Nine in the Morning and Four in the Afternoon; provided also, that nothing herein contained shall be deemed to protect any Person by whom any such Warrant shall be sued out of the Court from any Action which may be brought against him by any such Tenant or Occupier for or in respect of such Entry and taking possession, where such Person had not, at the Time of suing out the same as aforesaid, lawful Right to the Possession of the same Premises.

The Manner in which such Summons shall

**CXIII.** That such Summons as last aforesaid may be served either personally or by leaving the same with some Person being  
in

in and apparently residing at the Place of Abode of the Person or Persons so holding over as aforesaid; provided that if the Person or Persons so holding over, or any or either of them, cannot be found, and the Place of Abode of such Person or Persons shall either not be known, or Admission thereto cannot be obtained for serving such Summons, the posting of the said Summons on some conspicuous Part of the Premises so held over shall be deemed to be good Service upon such Person or Persons respectively.

CXIV. That it shall not be lawful to bring any Action or Prosecution against the Judge or against the Clerk of the Court by whom such Warrant as aforesaid shall have been issued, or against any Bailiff or other Person by whom such Warrant may be executed or Summons affixed, for issuing such Warrant or executing the same respectively, or affixing such Summons, by reason that the Person by whom the same shall be sued out had not lawful Right to the Possession of the Premises.

CXV. That where the Landlord, at the Time of applying for such Warrant as aforesaid, had lawful Right to the Possession of the Premises, or of the Part thereof so held over as aforesaid, neither the said Landlord nor his Agent, nor any other Person acting in his Behalf, shall be deemed to be a Trespasser by reason merely of any Irregularity or Informality in the Mode of proceeding for obtaining Possession under the Authority of this Act, but the Party aggrieved may, if he think fit, bring an Action on the Case for such Irregularity or Informality, in which the Damage alleged to be sustained thereby shall be specially laid, and may recover full Satisfaction for such special Damage, with Costs of Suit; provided that if the special Damage so laid be not proved the Defendant shall be entitled to a Verdict, and that if proved, but assessed by the Jury at any Sum not exceeding Five Shillings, the Plaintiff shall recover no more Costs than Damages, unless the Judge before whom the Trial shall have been helden shall certify that, in his Opinion, full Costs ought to be allowed.

CXVI. That in every Case in which the Person by whom any such Warrant shall be sued out of the Court had not at the Time of suing out the same lawful Right to the Possession of the Premises, the suing out of any such Warrant as last aforesaid shall be deemed a Trespass by him against the Tenant or Occupier of the Premises, although no Entry shall be made by virtue of the Warrant; and in case any such Tenant or Occupier will become bound with Two sufficient Sureties, to be approved by the Clerk of the Court, in such Sum as to the Judge shall seem reasonable, regard being had to the Value of the Premises, and to the probable Cost of such Action, to sue the Person by whom such Warrant was sued out with Effect and without Delay, and to pay all the Costs of the Proceeding in such Action in case a Verdict shall pass for the Defendant, or the Plaintiff shall discontinue or not prosecute his Action, or become Nonsuit therein, Execution upon the Warrant shall be stayed until Judgment shall have been given in such Action of Trespass; and if upon the Trial of such Action of Trespass a Verdict shall pass for the Plaintiff, such Verdict and Judgment thereupon shall supersede the said Warrant.

CXVII. That every Bond given on the Removal of any Action out of the Court, or upon staying the Execution of any such Warrant

Judges, Clerks, &c. not liable to Actions on account of Proceedings taken.

Where Landlord has a lawful Title, he shall not be deemed a Trespasser by reason of Irregularity.

How Execution of Warrant of Possession may be stayed.

Proceedings on the Bond for staying Warrant

rant of Posses-  
sion, &c.

rant of Possession as aforesaid, or on moving for a new Trial, or to set aside a Verdict, Judgment, or Nonsuit, shall be made to the other Party to the Action at the Costs of such other Party, and shall be approved by the Judge and attested under the Seal of the Court; and if the Bond so taken be forfeited, or if, upon the Proceeding for securing which such Bond was given, the Judge before whom such Proceeding shall be had shall not certify upon the Record in Court that the Condition of the Bond hath been fulfilled, the Party to whom the Bond shall have been so made may bring an Action of Debt, and recover thereon: Provided always, that the Court in which such Action as last aforesaid shall be brought may, by a Rule of Court, give such Relief to the Parties liable upon such Bond as may be agreeable to Justice and Reason, and such Rule shall have the Nature and Effect of a Defeazance to such Bond.

Concurrent  
Jurisdiction  
with Superior  
Courts.

CXVIII. That all Actions and Proceedings which before the Commencement of this Act might have been brought in any of Her Majesty's Superior Courts of Record, where the Plaintiff dwells more than Twenty Miles from the Defendant, or where any Officer of the Court holden under the Provisions of this Act shall be a Party, except in respect of any Claim to any Goods and Chattels taken in Execution of the Process of the Court, or the Proceeds or Value thereof, may be brought and determined in any such Superior Court, at the Election of the Party suing or proceeding, as if this Act had not been passed.

As to Actions  
brought for  
Small Debts  
in Superior  
Courts.

CXIX. That if any Action shall be commenced after the Commencement of this Act in any of Her Majesty's Superior Courts of Record, for any Cause other than those lastly herein-before specified, for which a Plaint might have been entered in the Court holden under the Provisions of this Act, and a Verdict shall be found for the Plaintiff for a Sum not more than Fifty Pounds if the said Action is founded on Contract, or less than Five Pounds if it be founded on Tort, the said Plaintiff shall have Judgment to recover such Sum only, and no Costs; and if a Verdict shall not be found for the Plaintiff, the Defendant shall be entitled to his Costs as between Attorney and Client, unless in either Case the Judge who shall try the Cause shall certify on the Back of the Record that the Action was fit to be brought in such Superior Court.

Plaintiffs re-  
covering in the  
Superior Courts  
Sums less than  
20*l*. in Actions  
of Contract, or  
5*l*. in Actions  
of Tort, over  
which the  
Sheriff's Court  
has Jurisdic-  
tion, to have no  
Costs.

CXX. That if in any Action commenced after the passing of this Act in any of Her Majesty's Superior Courts of Record, in Covenant, Debt, Detinue, or Assumpsit, not being an Action for Breach of Promise of Marriage, the Plaintiff shall recover a Sum less than Twenty Pounds, or if in any Action commenced after the passing of this Act in any of Her Majesty's Superior Courts of Record, in Trespass, Trover, or Case, not being an Action for Malicious Prosecution, or for Libel, or for Slander, or for Criminal Conversation, or for Seduction, the Plaintiff shall recover a Sum less than Five Pounds, the Plaintiff shall have Judgment to recover such Sum only, and no Costs, except in the Cases herein-after provided, and except in the Case of a Judgment by Default, and it shall not be necessary to enter any Suggestion on the Record to deprive such Plaintiff of Costs, nor shall any such Plaintiff be entitled

entitled to Costs by reason of any Privilege as Attorney or Officer of such Court or otherwise.

CXXI. Provided always, That if the Plaintiff shall in any such Action as aforesaid recover a Sum less than the Sum in that Behalf herein-before mentioned, by Verdict, and the Judge or other presiding Officer before whom such Verdict shall be obtained shall forthwith certify on the Back of the Record that it appeared to him at the Trial that the Cause of Action was One for which a Plaintiff could not have been entered in the Sheriffs Court, or that it appeared to him at the Trial that there was a sufficient Reason for bringing the said Action in the Court in which the said Action was brought, the Plaintiff in such Case shall have the same Judgment to recover his Costs that he would have had if this Act had not been passed.

Judge at the Trial may certify, to entitle the Plaintiff to Costs.

CXXII. Provided also, That if in any such Action, whether there be a Verdict in such Action or not, the Plaintiff shall make it appear to the Satisfaction of the Court in which such Action was brought, or to the Satisfaction of a Judge at Chambers, upon Summons, that the said Action was brought for a Cause in which concurrent Jurisdiction is given to the Superior Courts by this Act, or for which no Plaintiff could have been entered in the Court, or that the said Cause was removed from a County Court by Certiorari, then and in such Case the Court in which the said Action is brought, or the said Judge at Chambers, may thereupon, by Rule or Order, direct that the Plaintiff shall recover his Costs, and thereupon the Plaintiff shall have the same Judgment to recover his Costs that he would have had if this Act had not been passed.

If the Court or a Judge at Chambers make an Order, the Plaintiff to have Costs.

CXXIII. That all Penalties, Fines, and Forfeitures by this Act inflicted or authorized to be imposed (the Manner of recovering and applying whereof is not hereby otherwise particularly directed) shall, upon Proof before any Justice of the Peace having Jurisdiction within the County or Place where the Offender shall reside or be, or the Offence shall be committed, either by the Confession of the Party offending, or by the Oath of any credible Witness, be levied, with the Costs attending the Summons and Conviction, by Distress and Sale of the Goods and Chattels of the Party offending, by Warrant under the Hand of any such Justice, and the Overplus (if any), after such Penalties, Fines, and Forfeitures, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner of such Goods and Chattels.

Penalties and Costs to be recovered before a Justice, and levied by Distress.

CXXIV. That if any such Penalties, Fines, and Forfeitures respectively shall not be paid forthwith upon Conviction, it shall be lawful for such Justice to order the Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless such Offender shall give sufficient Security, to the Satisfaction of such Justice, for his Appearance before him on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than Eight Days from the Time of taking any such Security, which Security such Justice shall be empowered to take by way of Recognizance or otherwise as to him shall seem fit.

In default of Security, Offender may be detained till Return of Warrant of Distress.



recover full Satisfaction for the special Damage in an Action upon the Case.

**CXXXI.** That for the Protection of Persons acting in the Execution of this Act all Actions and Prosecutions to be commenced against any Person for anything done in pursuance of this Act shall be laid and tried in the County where the Fact was committed, and shall be commenced within Three Months after the Fact committed, and not afterwards or otherwise; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defendant One Month at least before the Commencement of the Action; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if after Action brought a sufficient Sum of Money shall have been paid into Court, with Costs, by or on behalf of the Defendant.

Limitation of Actions for Proceedings in Execution of this Act.

**CXXXII.** That it shall be lawful for any Judge of any of Her Majesty's Superior Courts of Common Law at *Westminster*, as well in Term Time as in Vacation, to hear and determine Applications for Writs of Prohibition directed to the Judge of the Court holden under the Provisions of this Act, and to make such Rules or Orders for the issuing of such Writs as might have been made by the Court; and all such Rules or Orders so made by any such Judge shall have the same Force and Effect as Rules of Court for such Purposes now have; and such Writs shall be issued by virtue of such Rules or Orders as well in Term Time as in Vacation: Provided always, that any Rule or Order made by any such Judge, or any Writ issued by virtue thereof, may be discharged or varied or set aside by such Judge, or any other such Judge, or by the Court, on Application made thereto by any Party dissatisfied with such Rule or Order.

Judges may hear Applications for Writs of Prohibition, either in Term or in Vacation.

**CXXXIII.** That all Affidavits to be used in the Court shall and may be sworn before a Judge of the Court or any County Court, or any Master Extraordinary in Chancery, or Commissioner for taking Affidavits in any of the Superior Courts of *Westminster*, or before a Magistrate of the County, City, Town, or Place where any such Affidavit may be sworn.

Before whom Affidavits may be sworn.

**CXXXIV.** That if any Person shall bring any Suit in any of Her Majesty's Superior Courts of Record in respect of any Grievance committed by any Clerk, Bailiff, or Officer of the Court holden under the Provisions of this Act, under Colour or Pretence of the Process of the Court, and the Jury, upon the Trial of the Action, shall not find greater Damages than the Sum of Fifty Pounds, no Costs shall be awarded to the Plaintiff in such Action, unless the Judge shall certify in Court, upon the Back of the Record, that the Action was fit to be brought in such Superior Court.

For the Protection of Officers of the Court.

**CXXXV.** That nothing in this Act contained shall be construed to alter or affect the Court of Hustings in the City of *London*, or the Court of our Lady the Queen holden before the Lord Mayor and Aldermen in the Chamber of the *Guildhall* of the City of *London*, or to take away, lessen, or diminish the Powers and Jurisdictions of the said Courts or either of them.

Not to affect Court of Hustings or Lord Mayor's Court.

**CXXXVI.** That in construing this Act the Word "Person" shall be understood to mean a Body Politic, Corporate, or Col-

Interpretation of Terms.



legiate, as well as an Individual; and the Words "**Mayor, Aldermen, and Commons**" shall be understood to mean the **Mayor, Aldermen, and Commons** of the City of *London* in **Common Council** assembled; and the Words "**the Court**" shall be understood to mean the **Sheriffs Court** holden under the Provisions and for the Purposes of this Act; and the Term "**Landlord**" shall be understood to mean the Person entitled to the immediate Reversion of the Lands, or, if the Property be holden in Joint Tenancy, Coparcenary, or Tenancy in Common, shall be understood to mean any One of the Persons entitled to such Reversion; and the Word "**Clerk**" shall be understood to mean "**Chief Clerk**;" and the Words "**Attorney at Law**" shall be understood to include a Solicitor in any Court of Equity; and the Word "**Agent**" shall be understood to mean any Person usually employed by the Landlord in the letting of Lands, or in the Collection of the Rents thereof, or specially authorized to act in any particular Matter by Writing under the Hand of such Landlord; and the Word "**Bailiff**" shall be understood to include Chief Bailiff; unless in any of these Cases there be something in the Context inconsistent with such Meaning.

Expenses of Act.

CXXXVII. That the Costs, Charges, and Expenses attending or incident to the applying for, obtaining, and passing this Act shall be paid and defrayed by, from, and out of the Monies which have from Time to Time been paid into the Chamber of *London* on account of the Business transacted in the Court holden under the first-recited Act, or which shall be paid to the Treasurer of the Court to be holden under this Act.

Short Title.

CXXXVIII. That in citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to use the Expression "**The *London* (City) Small Debts Extension Act, 1852.**"

Commencement of Act.

CXXXIX. That this Act shall commence and take effect on the Twenty-ninth Day of *September* next after the passing hereof.

The SCHEDULE to which the foregoing Act refers.

N.B.—In Cases within the ordinary Jurisdiction of the Court the under-mentioned Poundage and Fees are to be taken; but where the Sum demanded is above Twenty Pounds the Poundage is to be taken on Twenty Pounds only. All Fractions of a Pound for the Purpose of calculating the Poundage shall be treated as an entire Pound.

For every Summons, Sevenpence in the Pound on the Amount of the Demand.

For every Application for a Summons out of the District, Threepence in the Pound on the Amount of the Demand. This Sum to include every Fee for such Application.

Notice.—No other Fee whatever is to be taken on the Entry of a Plaint, except for Service by the High Bailiff, and for Affidavit of Service out of the District.

For every Hearing without a Jury, Twenty-six Pence in the Pound on the Amount of the Demand.

For every Hearing with a Jury, Thirty-eight Pence in the Pound on the Amount of the Demand.

Judgments

Judgments by Consent, under Sections 59 and 60, and Judgments upon Applications in the Nature of *Sci. fa.*, to be charged the same Fee as on the Hearing of a Cause without a Jury.

Notice.—No other Fee whatever is to be taken for the Hearing or Trial of a Cause, except for the Service of the Order by the High Bailiff.

For every Subpœna (each Witness), Two Shillings, without reference to the Amount of the Demand.

For entering and giving Notice of a special Defence, Eighteenpence, without reference to the Amount of the Demand.

For any Adjournment of a Cause or other Matter to another Court, at the Request of either Party, Threepence in the Pound on the Amount of the Demand.

For paying Money into or out of Court, whether before or after Judgment, on each Payment not exceeding Ten Shillings, One Penny; and on each Payment above Ten Shillings, Twopence in the Pound on the Amount of the Payment.

For Notice to be given by pre-paid Post Letter to Plaintiff of every Payment whatever made into Court, Twopence, without reference to the Amount of the Payment. Out of this Fee the Postage of such Letter is to be paid by the Clerk.

For issuing any Warrant, Attachment, or Execution, Twopence in the Pound on the Amount for which such Warrant, Attachment, or Execution issues.

For taking Recognizance, Bond, or Security for Costs, Fourpence in the Pound on the Amount of the Demand.

For inquiring into Sufficiency of Sureties, Sixpence in the Pound on the Amount of the Demand.

For Application for new Trial, or to set aside Proceedings, Sixpence in the Pound on the Amount of the Demand.

For every Summons for Commitment under Section 88, Sixpence in the Pound on the Amount of the original Demand then remaining due.

For every Hearing of the Matters mentioned in such Summons for Commitment, One Shilling in the Pound on the Amount last aforesaid.

Notice.—No other Fees than the above to be taken on any account whatever, except the High Bailiff's Fees for Service. No Application to the Court is to be charged with a Fee, except those above mentioned. No Increase of Fees shall be made by reason of there being more than One Plaintiff or Defendant.

#### HIGH BAILIFF'S FEES.

For serving every Summons, Order, or Subpœna, within Two Miles of the Court House, One Penny in the Pound on the Amount of the Demand, except for the Service of a Summons under Section 88, when the Poundage is to be calculated on the Amount of the original Demand then remaining due.

For such Service, if beyond Two Miles, then extra for every additional Mile Sixpence, without reference to the Amount of the Demand.

For Affidavit of Service of Summons out of the Jurisdiction, One Shilling, without reference to the Amount of the Demand.

For

Power of Com-  
mittal for Con-  
tempt.

CIV. That if any Person shall wilfully insult the Judge, or any Juror, or any Bailiff, Clerk, or Officer of the Court for the Time being, during his sitting or Attendance in Court, or in going to or returning from the Court, or shall wilfully interrupt the Proceedings of the Court, or otherwise misbehave in Court, it shall be lawful for any Bailiff or Officer of the Court, with or without the Assistance of any other Person, by the Order of the Judge, to take such Offender into Custody, and detain him until the rising of the Court; and the Judge shall be empowered, if he shall think fit, by a Warrant under his Hand, and sealed with the Seal of the Court, to commit any such Offender to any Prison to which he has Power to commit Offenders under this Act, for any Time not exceeding Seven Days, or to impose upon any such Offender a Fine not exceeding Five Pounds for every such Offence, and in default of Payment thereof to commit the Offender to any such Prison as aforesaid for any Time not exceeding Seven Days, unless the said Fine be sooner paid.

Penalty for as-  
saulting Bailiffs,  
or rescuing  
Goods taken in  
Execution.

CV. That if any Officer or Bailiff of the Court shall be assaulted while in the Execution of his Duty, or if any Rescue shall be made, or attempted to be made, of any Goods levied under Process of the Court, the Person so offending shall be liable to a Fine not exceeding Five Pounds, to be recovered by Order of the Court, or before a Justice of the Peace, as herein-after provided; and it shall be lawful for the Bailiff of the Court, or any Peace Officer, in any such Case to take the Offender into Custody (with or without Warrant), and bring him before such Court or Justice accordingly.

Bailiffs made  
answerable for  
Escapes, and  
Neglect to levy  
Execution.

CVI. That in case any Bailiff of the Court who shall be employed to levy any Execution against Goods and Chattels shall, by Neglect or Connivance or Omission, lose the Opportunity of levying any such Execution, then, upon Complaint of the Party aggrieved by reason of such Neglect, Connivance, or Omission (and the Fact alleged being proved to the Satisfaction of the Court, on the Oath of any credible Witness), the Judge shall order such Bailiff to pay such Damages as it shall appear that the Plaintiff has sustained thereby, not exceeding in any Case the Sum of Money for which the said Execution issued; and the Bailiff shall be liable thereto, and upon Demand made thereof, and on his Refusal so to pay and satisfy the same, Payment thereof shall be enforced by such Ways and Means as are herein provided for enforcing a Judgment recovered in the Court.

Remedies  
against and  
Penalties on  
Bailiffs and  
other Officers  
for Misconduct.

CVII. That if any Clerk, Bailiff, or Officer of the Court, acting under Colour or Pretence of the Process of the Court, shall be charged with Extortion or Misconduct, or with not duly paying or accounting for any Money levied by him under the Authority of this Act, it shall be lawful for the Judge to inquire into such Matter in a summary Way, and for that Purpose to summon and enforce the Attendance of all necessary Parties, in like Manner as the Attendance of Witnesses in any Case may be enforced, and to make such Order thereupon for the Repayment of any Money extorted, or for the due Payment of any Money so levied as aforesaid, and for the Payment of such Damages and Costs, as he shall think just, and also, if he shall think fit, to impose such Fine upon the Clerk, Bailiff, or Officer, not exceeding Ten Pounds for each Offence, as he shall deem adequate; and in default of Payment of  
any

any Money so ordered to be paid, Payment of the same may be enforced by such Ways and Means as are herein provided for enforcing a Judgment recovered in the Court.

**CVIII.** That every Treasurer, Clerk, Bailiff, or other Officer employed in putting this Act or any of the Powers thereof in execution, who shall wilfully and corruptly exact, take, or accept any Fee or Reward whatsoever, other than and except such Fees as are or shall be appointed and allowed respectively as aforesaid, for or on account of anything done or to be done by virtue of this Act, or on any account whatsoever relative to putting this Act into execution, shall, upon Proof thereof before the Court, be for ever incapable of serving or being employed under this Act in any Office of Profit or Emolument, and shall also be liable for Damages as herein provided.

Penalty on  
Officers taking  
Fees, besides  
those allowed.

**CIX.** That if any Claim shall be made to or in respect of any Goods or Chattels taken in Execution under the Process of the Court, or in respect of the Proceeds or Value thereof, by any Landlord for Rent, or by any Person not being the Party against whom such Process has issued, it shall be lawful for the Clerk of the Court, upon Application of the Officer charged with the Execution of such Process, as well before as after any Action brought against such Officer, to issue a Summons, calling before the Court as well the Party issuing such Process as the Party making such Claim; and thereupon any Action which shall have been brought in any of Her Majesty's Superior Courts of Record, or in any local or inferior Court, in respect of such Claim, shall be stayed; and the Court in which such Action shall have been brought, or any Judge thereof, on Proof of the Issue of such Summons, and that the Goods and Chattels were so taken in Execution, may order the Party bringing such Action to pay the Costs of all Proceedings had upon such Action after the Issue of such Summons out of the Court holden under the Provisions of this Act; and the Judge of the Court shall adjudicate upon such Claim, and make such Order between the Parties in respect thereof, and of the Costs of the Proceedings, as to him shall seem fit; and such Order shall be enforced in like Manner as any Order made in any Suit brought in such Court.

Claims as to  
Goods taken in  
Execution to  
be adjudicated  
in Court.

**CX.** That all Actions of Replevin in Cases of Distress for Rent in arrear, or Damage faisant, made within the Jurisdiction of the Court, may be brought in the Court without Writ.

Concerning  
Actions of  
Replevin.

**CXI.** That in case either Party to any such Action of Replevin shall declare to the Court that the Title to any corporeal or incorporeal Hereditament, or to any Leasehold Premises, or to any Tithe, Toll, Market, Fair, or Franchise, or to the whole or any Part of the Distress, is in question, or that the Rent or Damage in respect of which the Distress shall have been taken is more than the Sum of Fifty Pounds, and shall become bound, with Two sufficient Sureties, to be approved by the Clerk of the Court, in such Sums as to the Judge shall seem reasonable, regard being had to the Nature of the Claim and the alleged Value or Amount of the Property in dispute, or of the Rent or Damage, to prosecute the Suit with Effect and without Delay, and to prove before the Court by which such Suit shall be tried that such Title as aforesaid is in dispute between the Parties, or that there was Ground for

How Actions of  
Replevin may  
be removed.

believing that the said Rent or Damage was more than Fifty Pounds, then, and not otherwise, the Action may be removed before any Court competent to try the same.

Possession of  
small Tene-  
ments may be  
recovered by  
Plaint in the  
Court.

If Tenant, &c.  
neglect to ap-  
pear, or refuse  
to give Posses-  
sion, Judge  
may, on Proof  
of Service of  
Summons,  
issue a War-  
rant to enforce  
the same.

The Manner in  
which such  
Summons shall  
be served.

**CXII.** That when and so soon as the Term and Interest of the Tenant of any House, Land, or other corporeal Hereditament, situate either in the whole or in part within the Jurisdiction of the Court, where the Value of the Premises or the Rent payable in respect of such Tenancy did not exceed the Sum of Fifty Pounds by the Year, and upon which no Fine shall have been paid, shall have ended, or shall have been duly determined by a legal Notice to quit, and such Tenant, or, if such Tenant do not actually occupy the Premises or occupy only a Part thereof, any Person by whom the same or any Part thereof shall be then actually occupied, shall neglect or refuse to quit and deliver up Possession of the Premises or of such Part thereof respectively, it shall be lawful for the Landlord or his Agent to enter a Plaint in the Court, and thereupon a Summons shall issue to the Person so neglecting or refusing; and if the Tenant or Occupier shall not thereupon appear at the Time and Place appointed, and show Cause to the contrary, and shall still neglect or refuse to deliver up Possession of the Premises, or of such Part thereof of which he is then in possession, to the said Landlord or his Agent, it shall be lawful for such Landlord or Agent to give to the Court Proof of the holding and of the End or other Determination of the Tenancy, with the Time or Manner thereof, and, where the Title of the Landlord has accrued since the letting of the Premises, the Right by which he claims the Possession; and upon Proof of the Service of the Summons, and of the Neglect or Refusal of the Tenant or Occupier, as the Case may be, it shall be lawful for the Judge to issue a Warrant under the Seal of the Court to any Bailiff of the Court, requiring and authorizing him, within a Period to be therein named, not less than Seven or more than Ten clear Days from the Date of such Warrant, to give Possession of the Premises to such Landlord or Agent, and to levy upon the Goods and Chattels of the Person or Persons so holding over, in the same Manner as upon a Judgment obtained in the Court, such Sum of Money as shall be ordered by the Court to be paid to the Landlord for his Costs occasioned by such holding over as aforesaid; and such Warrant shall be a sufficient Warrant to the said Bailiff to enter upon the Premises, with such Assistants as he shall deem necessary, and to give Possession accordingly, and to make such Levy as aforesaid: Provided always, that Entry upon any such Warrant shall not be made on a *Sunday*, *Good Friday*, or *Christmas Day*, or at any Time except between the Hours of Nine in the Morning and Four in the Afternoon; provided also, that nothing herein contained shall be deemed to protect any Person by whom any such Warrant shall be sued out of the Court from any Action which may be brought against him by any such Tenant or Occupier for or in respect of such Entry and taking possession, where such Person had not, at the Time of suing out the same as aforesaid, lawful Right to the Possession of the same Premises.

**CXIII.** That such Summons as last aforesaid may be served either personally or by leaving the same with some Person being in

in and apparently residing at the Place of Abode of the Person or Persons so holding over as aforesaid; provided that if the Person or Persons so holding over, or any or either of them, cannot be found, and the Place of Abode of such Person or Persons shall either not be known, or Admission thereto cannot be obtained for serving such Summons, the posting of the said Summons on some conspicuous Part of the Premises so held over shall be deemed to be good Service upon such Person or Persons respectively.

CXIV. That it shall not be lawful to bring any Action or Prosecution against the Judge or against the Clerk of the Court by whom such Warrant as aforesaid shall have been issued, or against any Bailiff or other Person by whom such Warrant may be executed or Summons affixed, for issuing such Warrant or executing the same respectively, or affixing such Summons, by reason that the Person by whom the same shall be sued out had not lawful Right to the Possession of the Premises.

Judges, Clerks, &c. not liable to Actions on account of Proceedings taken.

CXV. That where the Landlord, at the Time of applying for such Warrant as aforesaid, had lawful Right to the Possession of the Premises, or of the Part thereof so held over as aforesaid, neither the said Landlord nor his Agent, nor any other Person acting in his Behalf, shall be deemed to be a Trespasser by reason merely of any Irregularity or Informality in the Mode of proceeding for obtaining Possession under the Authority of this Act, but the Party aggrieved may, if he think fit, bring an Action on the Case for such Irregularity or Informality, in which the Damage alleged to be sustained thereby shall be specially laid, and may recover full Satisfaction for such special Damage, with Costs of Suit; provided that if the special Damage so laid be not proved the Defendant shall be entitled to a Verdict, and that if proved, but assessed by the Jury at any Sum not exceeding Five Shillings, the Plaintiff shall recover no more Costs than Damages, unless the Judge before whom the Trial shall have been holden shall certify that, in his Opinion, full Costs ought to be allowed.

Where Landlord has a lawful Title, he shall not be deemed a Trespasser by reason of Irregularity.

CXVI. That in every Case in which the Person by whom any such Warrant shall be sued out of the Court had not at the Time of suing out the same lawful Right to the Possession of the Premises, the suing out of any such Warrant as last aforesaid shall be deemed a Trespass by him against the Tenant or Occupier of the Premises, although no Entry shall be made by virtue of the Warrant; and in case any such Tenant or Occupier will become bound with Two sufficient Sureties, to be approved by the Clerk of the Court, in such Sum as to the Judge shall seem reasonable, regard being had to the Value of the Premises, and to the probable Cost of such Action, to sue the Person by whom such Warrant was sued out with Effect and without Delay, and to pay all the Costs of the Proceeding in such Action in case a Verdict shall pass for the Defendant, or the Plaintiff shall discontinue or not prosecute his Action, or become Nonsuit therein, Execution upon the Warrant shall be stayed until Judgment shall have been given in such Action of Trespass; and if upon the Trial of such Action of Trespass a Verdict shall pass for the Plaintiff, such Verdict and Judgment thereupon shall supersede the said Warrant.

How Execution of Warrant of Possession may be stayed.

CXVII. That every Bond given on the Removal of any Action out of the Court, or upon staying the Execution of any such War-

Proceedings on the Bond for staying War-

rant of Posses-  
sion, &c.

rant of Possession as aforesaid, or on moving for a new Trial, or to set aside a Verdict, Judgment, or Nonsuit, shall be made to the other Party to the Action at the Costs of such other Party, and shall be approved by the Judge and attested under the Seal of the Court; and if the Bond so taken be forfeited, or if, upon the Proceeding for securing which such Bond was given, the Judge before whom such Proceeding shall be had shall not certify upon the Record in Court that the Condition of the Bond hath been fulfilled, the Party to whom the Bond shall have been so made may bring an Action of Debt, and recover thereon: Provided always, that the Court in which such Action as last aforesaid shall be brought may, by a Rule of Court, give such Relief to the Parties liable upon such Bond as may be agreeable to Justice and Reason, and such Rule shall have the Nature and Effect of a Defeazance to such Bond.

Concurrent  
Jurisdiction  
with Superior  
Courts.

CXVIII. That all Actions and Proceedings which before the Commencement of this Act might have been brought in any of Her Majesty's Superior Courts of Record, where the Plaintiff dwells more than Twenty Miles from the Defendant, or where any Officer of the Court holden under the Provisions of this Act shall be a Party, except in respect of any Claim to any Goods and Chattels taken in Execution of the Process of the Court, or the Proceeds or Value thereof, may be brought and determined in any such Superior Court, at the Election of the Party suing or proceeding, as if this Act had not been passed.

As to Actions  
brought for  
Small Debts  
in Superior  
Courts.

CXIX. That if any Action shall be commenced after the Commencement of this Act in any of Her Majesty's Superior Courts of Record, for any Cause other than those lastly herein-before specified, for which a Plaint might have been entered in the Court holden under the Provisions of this Act, and a Verdict shall be found for the Plaintiff for a Sum not more than Fifty Pounds if the said Action is founded on Contract, or less than Five Pounds if it be founded on Tort, the said Plaintiff shall have Judgment to recover such Sum only, and no Costs; and if a Verdict shall not be found for the Plaintiff, the Defendant shall be entitled to his Costs as between Attorney and Client, unless in either Case the Judge who shall try the Cause shall certify on the Back of the Record that the Action was fit to be brought in such Superior Court.

Plaintiffs re-  
covering in the  
Superior Courts  
Sums less than  
20l. in Actions  
of Contract, or  
5l. in Actions  
of Tort, over  
which the  
Sheriffs Court  
has Jurisdic-  
tion, to have no  
Costs.

CXX. That if in any Action commenced after the passing of this Act in any of Her Majesty's Superior Courts of Record, in Covenant, Debt, Detinue, or Assumpsit, not being an Action for Breach of Promise of Marriage, the Plaintiff shall recover a Sum less than Twenty Pounds, or if in any Action commenced after the passing of this Act in any of Her Majesty's Superior Courts of Record, in Trespass, Trover, or Case, not being an Action for Malicious Prosecution, or for Libel, or for Slander, or for Criminal Conversation, or for Seduction, the Plaintiff shall recover a Sum less than Five Pounds, the Plaintiff shall have Judgment to recover such Sum only, and no Costs, except in the Cases herein-after provided, and except in the Case of a Judgment by Default, and it shall not be necessary to enter any Suggestion on the Record to deprive such Plaintiff of Costs, nor shall any such Plaintiff be entitled

entitled to Costs by reason of any Privilege as Attorney or Officer of such Court or otherwise.

**CXXI.** Provided always, That if the Plaintiff shall in any such Action as aforesaid recover a Sum less than the Sum in that Behalf herein-before mentioned, by Verdict, and the Judge or other presiding Officer before whom such Verdict shall be obtained shall forthwith certify on the Back of the Record that it appeared to him at the Trial that the Cause of Action was One for which a Plaintiff could not have been entered in the Sheriffs Court, or that it appeared to him at the Trial that there was a sufficient Reason for bringing the said Action in the Court in which the said Action was brought, the Plaintiff in such Case shall have the same Judgment to recover his Costs that he would have had if this Act had not been passed.

Judge at the Trial may certify, to entitle the Plaintiff to Costs.

**CXXII.** Provided also, That if in any such Action, whether there be a Verdict in such Action or not, the Plaintiff shall make it appear to the Satisfaction of the Court in which such Action was brought, or to the Satisfaction of a Judge at Chambers, upon Summons, that the said Action was brought for a Cause in which concurrent Jurisdiction is given to the Superior Courts by this Act, or for which no Plaintiff could have been entered in the Court, or that the said Cause was removed from a County Court by Certiorari, then and in such Case the Court in which the said Action is brought, or the said Judge at Chambers, may thereupon, by Rule or Order, direct that the Plaintiff shall recover his Costs, and thereupon the Plaintiff shall have the same Judgment to recover his Costs that he would have had if this Act had not been passed.

If the Court or a Judge at Chambers make an Order, the Plaintiff to have Costs.

**CXXIII.** That all Penalties, Fines, and Forfeitures by this Act inflicted or authorized to be imposed (the Manner of recovering and applying whereof is not hereby otherwise particularly directed) shall, upon Proof before any Justice of the Peace having Jurisdiction within the County or Place where the Offender shall reside or be, or the Offence shall be committed, either by the Confession of the Party offending, or by the Oath of any credible Witness, be levied, with the Costs attending the Summons and Conviction, by Distress and Sale of the Goods and Chattels of the Party offending, by Warrant under the Hand of any such Justice, and the Overplus (if any), after such Penalties, Fines, and Forfeitures, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner of such Goods and Chattels.

Penalties and Costs to be recovered before a Justice, and levied by Distress.

**CXXIV.** That if any such Penalties, Fines, and Forfeitures respectively shall not be paid forthwith upon Conviction, it shall be lawful for such Justice to order the Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless such Offender shall give sufficient Security, to the Satisfaction of such Justice, for his Appearance before him on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than Eight Days from the Time of taking any such Security, which Security such Justice shall be empowered to take by way of Recognizance or otherwise as to him shall seem fit.

In default of Security, Offender may be detained till Return of Warrant of Distress.





recover full Satisfaction for the special Damage in an Action upon the Case.

**CXXXI.** That for the Protection of Persons acting in the Execution of this Act all Actions and Prosecutions to be commenced against any Person for anything done in pursuance of this Act shall be laid and tried in the County where the Fact was committed, and shall be commenced within Three Months after the Fact committed, and not afterwards or otherwise; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defendant One Month at least before the Commencement of the Action; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if after Action brought a sufficient Sum of Money shall have been paid into Court, with Costs, by or on behalf of the Defendant.

Limitation of Actions for Proceedings in Execution of this Act.

**CXXXII.** That it shall be lawful for any Judge of any of Her Majesty's Superior Courts of Common Law at *Westminster*, as well in Term Time as in Vacation, to hear and determine Applications for Writs of Prohibition directed to the Judge of the Court holden under the Provisions of this Act, and to make such Rules or Orders for the issuing of such Writs as might have been made by the Court; and all such Rules or Orders so made by any such Judge shall have the same Force and Effect as Rules of Court for such Purposes now have; and such Writs shall be issued by virtue of such Rules or Orders as well in Term Time as in Vacation: Provided always, that any Rule or Order made by any such Judge, or any Writ issued by virtue thereof, may be discharged or varied or set aside by such Judge, or any other such Judge, or by the Court, on Application made thereto by any Party dissatisfied with such Rule or Order.

Judges may hear Applications for Writs of Prohibition, either in Term or in Vacation.

**CXXXIII.** That all Affidavits to be used in the Court shall and may be sworn before a Judge of the Court or any County Court, or any Master Extraordinary in Chancery, or Commissioner for taking Affidavits in any of the Superior Courts of *Westminster*, or before a Magistrate of the County, City, Town, or Place where any such Affidavit may be sworn.

Before whom Affidavits may be sworn.

**CXXXIV.** That if any Person shall bring any Suit in any of Her Majesty's Superior Courts of Record in respect of any Grievance committed by any Clerk, Bailiff, or Officer of the Court holden under the Provisions of this Act, under Colour or Pretence of the Process of the Court, and the Jury, upon the Trial of the Action, shall not find greater Damages than the Sum of Fifty Pounds, no Costs shall be awarded to the Plaintiff in such Action, unless the Judge shall certify in Court, upon the Back of the Record, that the Action was fit to be brought in such Superior Court.

For the Protection of Officers of the Court.

**CXXXV.** That nothing in this Act contained shall be construed to alter or affect the Court of Hustings in the City of *London*, or the Court of our Lady the Queen holden before the Lord Mayor and Aldermen in the Chamber of the *Guildhall* of the City of *London*, or to take away, lessen, or diminish the Powers and Jurisdictions of the said Courts or either of them.

Not to affect Court of Hustings or Lord Mayor's Court.

**CXXXVI.** That in construing this Act the Word "Person" shall be understood to mean a Body Politic, Corporate, or Collegiate,

Interpretation of Terms.

Claimant not dissenting before Time limited in Notice for further Consideration, to be deemed to have agreed.

XIX. That if before the Expiry of the Time limited in any Notice for further Consideration such Holder or Party do not, by a Notice under his Hand, or under the Hand of his Agent lawfully authorized, and left at or sent to the said Office of the Company, dissent from the First Offer of Compensation made by the Company, or where any amended Offer of Compensation has been made, do not before the Expiry of the same Time dissent in a similar Manner from the last amended Offer of Compensation made by the Company, such Holder or Party shall be deemed to have agreed to accept such First Offer of Compensation or such last amended Offer of Compensation, as the Case may be; and on Payment to him by the Company of the Amount of such First Offer of Compensation where no amended Offer of Compensation has been made, and where an amended Offer of Compensation has been made on Payment of the Amount of such last-mentioned Offer of Compensation within One Calendar Month after the Expiry of the Time limited in the Notice for further Consideration, such Holder or Party shall have no further Claim against the Company in respect of such Injury.

If assured dissent from Company's Offer, he is to give Notice of Arbitration.

XX. That if such Holder or Party shall have dissented in the Manner herein directed from the Offer of Compensation made by the Company as aforesaid, or in case the Company shall have omitted or refused to offer Compensation as aforesaid, and such Holder or Party shall be desirous of having his Claim and the Amount of such Compensation settled by Arbitration, such Holder or Party shall, unless both Parties shall concur in the Appointment of a single Arbitrator, within Twenty-one Days after the Delivery of the said Offer where no Extension of Time for the Consideration of such Offer shall have been required, and where such Extension of Time shall have been required, then before the Expiry of such extended Time, nominate and appoint an Arbitrator to act on his Behalf, such Appointment to be signed by such Holder or Party, or by his Agent lawfully authorized, and shall give Notice to the Company that he is desirous that his Claim and the Amount of such Compensation shall be settled by Arbitration, which Notice shall contain the Name of the Person appointed by him to act as Arbitrator on his Behalf, and the Address to which all Notices in respect of such Arbitration shall be sent, and shall be signed by him or his Agent, and left at or sent to the Office of the Company within Twenty-one Days after the Delivery of such Offer of Compensation, or before the Expiry of such extended Time, as the Case may be.

Company to appoint Arbitrator within Seven Days after Notice of Arbitration.

XXI. That within Seven Days after such Notice of Arbitration shall have been so left as aforesaid, the Company shall (in case it be not otherwise agreed between the Parties) appoint, by Writing, an Arbitrator on the Part of the Company, such Appointment to be signed by any Two of the Directors of the Company; and shall also, within such Time last aforesaid, give Notice thereof to such Holder or Party, which Notice shall contain the Name and Address of the Person so appointed by the said Directors, and shall be left at the Address mentioned in the Notice of Arbitration.

If Company fail to appoint Arbitrator, the One

XXII. That if the Company shall fail, within Seven Days after such Notice of Arbitration shall have been left as aforesaid, to appoint

appoint an Arbitrator to act on the Part of the Company, then, upon such Failure, such Holder or Party may appoint the Arbitrator nominated by him as aforesaid to act for both Parties; and the Arbitrator so nominated may determine the Amount of such Claim and Compensation, and in such Case the Award or Determination of such single Arbitrator shall be final.

named by other Party to determine the Matter.

XXIII. That after any Appointment of an Arbitrator, or after any Agreement to refer to a single Arbitrator shall have been made, neither Party shall have Power to revoke the same without the Consent of the other, nor shall the Death of any such Holder or Party making or concurring in any such Appointment operate as a Revocation of the Powers conferred on any Arbitrator for the Purposes of this Act; and the giving of any Notice of Arbitration containing the Particulars, and signed as aforesaid, or the concurring in the Appointment of a single Arbitrator, shall be deemed a Submission to Arbitration by such Holder or Party, who shall in such Case have no other Claim against the Company than the Amount which shall be declared in and by the Award or Determination in such Submission; and the Submission to any such Arbitration may be made a Rule of any of the Superior Courts on the Application of either of the Parties.

Arbitration not to be revoked, and to be deemed a Submission.

XXIV. That if before the Matters so referred shall be determined, any Arbitrator appointed by either Party die or become incapable to act, the Party by whom such Arbitrator was appointed may nominate and appoint in Writing some other Person to act in his Place; and if for the Space of Seven Days after Notice in Writing from the other Party for that Purpose he fail to do so, the remaining or other Arbitrator may proceed *ex parte*, and every Arbitrator so to be substituted as aforesaid shall have the same Powers and Authorities as were vested in the former Arbitrator at the Time of such his Death or Incapacity as aforesaid.

Vacancy of Arbitrator to be supplied.

XXV. That where more than One Arbitrator shall have been appointed, such Arbitrators shall, before they enter upon the Matters referred to them, nominate and appoint by Writing under their Hands an Umpire to decide on any such Matters in which they shall differ, or which shall be referred to him under this Act; and if such Umpire shall die or become incapable to act, they shall forthwith, after such Death or Incapacity, appoint another Umpire in his Place, and the Decision of every such Umpire in the Matters so referred to him shall be final.

Appointment of Umpire.

XXVI. That if, in either of the Cases aforesaid, the said Arbitrators shall refuse, or shall for Seven Days after Request of either Party to such Arbitration neglect to appoint an Umpire, the Associate of the Chief Justice of the Court of Queen's Bench at Westminster shall, on the Application of either Party to such Arbitration, appoint an Umpire, and the Decision of such Umpire in the Matters in which the Arbitrators shall differ or which shall be referred to him under this Act, shall be final.

On Neglect, Associate of Chief Justice of Queen's Bench to appoint, &c.

XXVII. That if, where a single Arbitrator shall have been appointed, such Arbitrator shall die or become incapable to act before he shall have made his Award, the Matters referred to him shall be determined by Arbitration under the Provisions of this

On Death of single Arbitrator, Matter to begin de novo.

Act, in the same Manner as if such Arbitrator had not been appointed.

If One Arbitrator refuse to act, the other to proceed *ex parte*.

XXVIII. That if, where more than One Arbitrator shall have been appointed, either of the Arbitrators refuse or for Seven Days neglect to act, the other Arbitrator may proceed *ex parte*, and the Decision of such other Arbitrator shall be as effectual as if he had been the single Arbitrator appointed by both Parties.

If Arbitrators fail to make their Award within 21 Days, the Matter to go to the Umpire.

XXIX. That if, where more than One Arbitrator shall have been appointed, and where neither of them shall refuse or neglect to act as aforesaid, such Arbitrators shall fail to make their Award within Twenty-one Days after the Day on which the last of such Arbitrators shall have been appointed, or within such extended Time (if any) as shall have been appointed for that Purpose by both such Arbitrators under their Hands, the Matters referred to them shall be determined by the Umpire to be appointed as aforesaid.

Power for Arbitrators to call for Books.

XXX. That the said Arbitrators or their Umpire may call for the Production of any Documents in the Possession or Power of either Party, which they or he may think necessary for determining the Question in dispute, and may examine the Parties or their Witnesses on Oath, and administer the Oaths necessary for that Purpose.

Arbitrator and Umpire to make a Declaration.

XXXI. That before any Arbitrator or Umpire shall enter into the Consideration of any Matters referred to him, he shall, in the Presence of a Justice, make and subscribe the following Declaration ; (that is to say,)

‘ I *A.B.* do solemnly and sincerely declare, That I will faithfully and honestly, and to the best of my Skill and Ability, hear and determine the Matters referred to me under the Provisions of [here recite the Title of this Act]. *A.B.*  
‘ Made and subscribed in the Presence of ‘

And such Declaration shall be annexed to the Award when made ; and if any Arbitrator or Umpire, having made such Declaration, shall wilfully act contrary thereto, he shall be guilty of a Misdemeanor.

Award not to be set aside for Error in Form.

XXXII. That no Award made with respect to any Question referred to Arbitration under the Provisions of this Act shall be set aside for Irregularity or Error in Matter of Form.

Costs of Arbitration how to be borne.

XXXIII. That all the Costs of any such Arbitration and incident thereto, to be settled by the Arbitrators, shall be borne by the Company, unless the Arbitrator shall award the same or a less Sum than shall have been offered by the Company, in which Case such Costs shall be in the Discretion of the Arbitrator.

No One to be insured under Twelve.

XXXIV. That it shall not be lawful for the Company to insure any Person under the Age of Twelve Years, and that every Insurance Ticket obtained by or on behalf of any such Person shall be utterly void against the Company.

No Contract or Money received, &c. under this Act to prejudice Rights of any Person under 9 & 10 Vict. c. 93.

XXXV. That no Contract of the Company, or any Compensation received or recoverable by virtue of such Contract, either under this Act or otherwise, shall be held to prejudice or affect any Right of Action, Claim, or Demand, which any Person or his Executors or Administrators may have against any other Company, or any Person, either at Common Law or by virtue of an Act passed in the Ninth and Tenth Years of the Reign of Her present

present Majesty, intituled *An Act for compensating the Families of Persons killed by Accidents*, or any other Act of Parliament, for the Injury, whether fatal or otherwise, in respect of which such Compensation shall have been received or be recoverable.

XXXVI. That all the Costs and Expenses attending the applying for, obtaining, and passing this Act shall be paid by the Company. Expenses of Act.

XXXVII. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction ; (that is to say,) Interpretation of Terms.

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number :

Words importing the Masculine Gender shall include Females :

The Expression "the Company" shall mean "The Railway Passengers Assurance Company."

XXXVIII. That in citing this Act in any other Act of Parliament, or in any legal Deed, Instrument, or Proceeding, or in any Parliamentary or other Notice, it shall be sufficient to use the Expression "The Railway Passengers Assurance Company's Act, 1852." Short Title.

## SCHEDULE referred to in the foregoing Act.

### THE RAILWAY PASSENGERS ASSURANCE COMPANY.

Empowered by an Act passed in the Twelfth and Thirteenth Years of the Reign of Her Majesty Queen Victoria, intituled "An Act to confer certain Powers on the Railway Passengers Assurance Company," and also by a certain other Act made and passed in the Fifteenth and Sixteenth Years of the Reign of Her said Majesty, intituled "An Act to confer additional Facilities for the Insurance of the Railway Passengers and other Persons by 'The Railway Passengers Assurance Company.'"

Know all Men by these Presents, That if any Person above the Age of Twelve Years about to travel by Railway shall, on Payment of the Premium of Insurance demanded by the said Company in respect thereof, duly obtain any Insurance Ticket marked with the Marks of the said Company, the said Company hereby agrees in consideration of the Payment of such Premium as aforesaid, with such Person, as follows ; (that is to say,) if such Person shall, during the particular Journey for which such Insurance Ticket shall have been issued, while travelling by Railway sustain any personal Injury whatever, caused by Railway Accident, then the said Company shall pay to such Person, on Proof of such Injury, such Sum, not exceeding the Amount declared to be insured by such Insurance Ticket, as shall, with reference to and in proportion to the whole Sum insured and made payable as herein-after mentioned, in case of Death, be deemed a reasonable Compensation for such Injury sustained by such Person, such Compensation to be ascertained and paid in the Manner provided by this Act ; and if such Person shall die from the Effect of such Injury within Three Months after the occurring of the same, then the

Company shall pay to the Executors or Administrators of such Person, on Proof of such Death, the whole Sum expressed in such Insurance Ticket: Provided always, that in case the said Company shall before the Death of such Person so injured as aforesaid have paid any Sum of Money to such Person so injured as aforesaid, as and by way of Compensation for such Injury, such Sum of Money so paid as aforesaid may, on the Death of such Person so injured as aforesaid, after such Payment or Payments, and within Three Months after the occurring of the said Injury, be deducted by the said Company from the Sum of Money hereby otherwise agreed to be paid by them in the event of such Death as aforesaid; and provided always, that the said Company shall in no Case be liable to pay to the Holder of any Insurance Ticket, or to his Executors or Administrators, any Sum of Money in respect of any Injury caused by the Negligence or wilful Act of such Holder. In witness, &c.

Cap. ci.

An Act to amend an Act passed in the Fourth Year of the Reign of King *George* the Fourth, intituled *An Act for making and maintaining a Turnpike Road from Holehouse or Riding near Greenfield in Saddleworth, to join the Stayley Turnpike Road, and also to join the Halifax and Sheffield Turnpike Road, all in the West Riding of the County of York*; and to continue the Term thereby granted. [17th June 1852.]

Cap. cii.

An Act for enabling the *Leeds* Waterworks Company to provide a better Supply of Water to the Town and Neighbourhood of *Leeds*. [17th June 1852.]

Cap. ciii.

An Act for merging the Undertaking of the *Reading, Guildford, and Reigate* Railway Company in the Undertaking of the *South-eastern* Railway Company; for the Dissolution of the *Reading, Guildford, and Reigate* Railway Company; and for other Purposes. [17th June 1852.]

Cap. civ.

An Act for the Establishment, Maintenance, and Management of Markets in the Borough of *Limerick*. [17th June 1852.]

Cap. cv.

An Act to authorize the Conversion of the Debenture Debt of the *London and North-western* Railway Company into a Stock not exceeding Three and a Half *per Centum*; and for enlarging the Stations at *Wolverton* and *Kilburn*. [17th June 1852.]

Cap. cvi.

An Act for the Construction of a new Bridge over the River *Foyle* at *Londonderry*, and Approaches thereto. [17th June 1852.]

Cap. cvii.

An Act for the Formation of a new Street in the Borough of *Londonderry*. [17th June 1852.]

## Cap. cviii.

An Act to enable the *Eastern Counties* Railway Company to use the *East Anglian* Railways, and to empower the *Eastern Counties* Railway Company and the *East Anglian* Railways Company to enter into and carry into effect Agreements for certain Objects therein mentioned; and for other Purposes. [17th June 1852.]

## Cap. cix.

An Act to consolidate and amend certain of the Acts relating to the *Edinburgh and Glasgow* Railway, and to grant further Powers to the Company of Proprietors thereof. [17th June 1852.]

## Cap. cx.

An Act for repealing an Act of the Ninth Year of the Reign of Her present Majesty, relating to Moorings for Vessels in the River *Tyne*, and the River Police, and for transferring the Powers of the said Act to the *Tyne* Improvement Commissioners; for enabling the said Commissioners to construct and maintain Piers at the Mouth of the said River in the Counties of *Durham* and *Northumberland*, and to construct and maintain Docks and other Works on the North Side of the said River in the last-mentioned County; and for other Purposes. [17th June 1852.]

## Cap. cxi.

An Act for embanking and reclaiming from the Sea the Estuary or Back Strand of *Tramore* in the County of *Waterford*. [17th June 1852.]

[*Saving the Rights of the Lords of Manors*, § 38. *General Saving of Rights*, § 39.]

## Cap. cxii.

An Act for the Incorporation of the Society for providing Annuities for the Widows and Children of Presbyterian Ministers, under the Style and Title of "The Presbyterian Widows Fund Association." [17th June 1852.]

## Cap. cxiii.

An Act to enable the Trustees of the *Yeovil* Turnpike Trust and the *Ilchester* Turnpike Trust to make certain new Roads, to repeal existing Acts, and create further Terms in the said Roads; and for other Purposes. [17th June 1852.]

## Cap. cxiv.

An Act for enabling the *York, Newcastle, and Berwick* Railway Company to make a Deviation in the Line of their *Bishop Auckland* Branch, to extend the Time for the Purchase of Lands and Completion of Works on certain Lines of Railway authorized to be made in the County of *Durham*, and for other Purposes. [17th June 1852.]

## Cap. cxv.

An Act for repairing the Road from *Leek* in the County of *Stafford* to *Monyash*, and from *Middlehills* to the *Macclesfield* Turnpike Road near *Buxton* in the County of *Derby*, and thence to *Otterhole*, and certain Branches of Road communicating therewith. [17th June 1852.]



*Cap. cxvi.*

An Act to consolidate and amend the Acts relating to the *Ipswich Dock*, to allow certain Drawbacks, and for other Purposes. [17th June 1852.]

*Cap. cxvii.*

An Act to enable the *South Wales Railway Company* to construct new Railways to *Milford Haven* and at *Newport*, and to abandon Portions of the Lines from *Fishguard* and at *Haverfordwest*; and for other Purposes. [17th June 1852.]

*Cap. cxviii.*

An Act for making a Railway from the *Lancashire and Yorkshire Railway* in the Township of *Bowling* near *Bradford* to the Railway belonging to the *Lancashire and Yorkshire and London and North-western Railway Companies*, or One of them, in the Township of *Wortley* near *Leeds*, all in the West Riding of the County of *York*, to be called The *Leeds, Bradford, and Halifax Junction Railway*, and for other Purposes. [30th June 1852.]

*Cap. cxix.*

An Act for maintaining the Road from *Blackburn* to *Preston* and the Two Branches therefrom, and erecting a Bridge on the Line of the said Road over the River *Ribble*, all in the County Palatine of *Lancaster*. [30th June 1852.]

*Cap. cxx.*

An Act to repeal an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually repairing the Road from Preston to Garstang in the County of Lancaster*; and to make other Provisions in lieu thereof. [30th June 1852.]

*Cap. cxxi.*

An Act for making further Provision for the Conservancy of the Port and Harbour of *Belfast*, for conferring additional Powers on the *Belfast Harbour Commissioners*, and for other Purposes. [30th June 1852.]

*Cap. cxxii.*

An Act for maintaining and improving the *Blyth and Tyne Railway* in the County of *Northumberland*, and for incorporating the Subscribers thereto. [30th June 1852.]

*Cap. cxxiii.*

An Act to repeal the Act relating to the Road from the Town of *Kingston-upon-Thames* in the County of *Surrey* to *Sheetbridge* near *Petersfield* in the County of *Southampton*; and to make other Provisions in lieu thereof. [30th June 1852.]

*Cap. cxxiv.*

An Act for the Incorporation, Establishment, and Regulation of the *North British Flax Company*, and to enable the said Company to purchase and work certain Letters Patent. [30th June 1852.]

*Cap. cxxv.*

An Act for incorporating and giving Powers to the *Frome, Yeovil, and Weymouth* Railway Company, and for other Purposes.  
[30th June 1852.]

*Cap. cxxvi.*

An Act for enabling the *Monmouthshire* Railway and Canal Company to make certain new Railways, and for other Purposes.  
[30th June 1852.]

*Cap. cxxvii.*

An Act for enabling the *York and North Midland* Railway Company to make a Railway to the *Victoria* or *East Dock* at *Hull*, and for other Purposes.  
[30th June 1852.]

*Cap. cxxviii.*

An Act for constituting Commissioners for the Improvement of the River *Nene* and the Navigations thereof; for the more effectual Drainage of certain Lands in the Counties of *Northampton, Huntingdon, and Cambridge*; and for other Purposes.  
[30th June 1852.]

[*Saving the Rights of the Crown, § 152.*]

*Cap. cxxix.*

An Act to amend an Act passed in the Seventh Year of the Reign of King *George the Fourth*, intituled *An Act for more effectually making, repairing, and improving certain Roads leading to and from Liskeard, and certain other Roads therein mentioned, in the Counties of Cornwall and Devon*; and for other Purposes.  
[30th June 1852.]

*Cap. cxxx.*

An Act for the Conservancy of the River *Humber*, and for amending some of the Provisions of an Act relating to the *Kingston-upon-Hull* Docks.  
[30th June 1852.]

*Cap. cxxxi.*

An Act to extend and amend the Provisions of the Act relating to the *Wedmore* Turnpike Road in the County of *Somerset*, to create a further Term therein, and for other Purposes.  
[30th June 1852.]

*Cap. cxxxii.*

An Act for abandoning certain Parts of the Undertaking of the *Lancashire and Yorkshire* Railway Company; for constructing certain new Works, and extending the Time for Completion of existing Works; and for Sale of superfluous Lands; for regulating certain Portions of the Capital of the Company and the Application of Capital; and for authorizing the raising of Money by Annuities; and for other Purposes.  
[30th June 1852.]

*Cap. cxxxiii.*

An Act to confer on the *Great Western* Railway Company further Powers for the Purchase of Lands on the Lines of, and for the Construction of, the *Birmingham and Oxford Junction* and *Birmingham, Wolverhampton, and Dudley* Railways respectively; and for the Alteration of the Works of Part of the last-mentioned Railway; and for the Formation of an Extension Line of Railway at *Wolverhampton*; and for other Purposes.  
[30th June 1852.]

*Cap. cxxxiv.*

An Act for more effectually maintaining and keeping in repair the Road from *Cambridge* to *Ely*, and other Roads therein mentioned, in the Counties of *Cambridge* and *Norfolk*.

[30th June 1852.]

*Cap. cxxxv.*

An Act for consolidating into One Act and amending the Provisions of the several Acts relating to the *North-western Railway Company*; for extending the Time for constructing certain Parts of their Undertaking; and granting further Powers to the said Company; and for other Purposes.

[30th June 1852.]

*Cap. cxxxvi.*

An Act for the Reduction of Dues on Shipping and Goods payable to the Mayor, Aldermen, and Burgesses of *Kingston-upon-Hull*, the *Hull Trinity House*, and the Dock Company at *Kingston-upon-Hull*, respectively.

[30th June 1852.]

*Cap. cxxxvii.*

An Act to enable the *Midland Great Western Railway of Ireland Company* to make a Deviation in the authorized Line to *Longford*, and a Branch Railway to the Town of *Cavan*, and for other Purposes.

[30th June 1852.]

*Cap. cxxxviii.*

An Act for the better Establishment of a Market at *Torquay* in the County of *Devon*, and for other Purposes.

[30th June 1852.]

*Cap. cxxxix.*

An Act to repeal the Acts relating to the *Asthall and Buckland Turnpike Road*, and to make other Provisions in lieu thereof.

[30th June 1852.]

*Cap. cxli.*

An Act for enabling the Completion of the *Wills, Somerset, and Weymouth Railway* between *Frome* and *Weymouth* to be effected, and for authorizing and confirming Contracts between the *Great Western Railway Company* and the *Kennet and Avon Canal Company* and other Companies, and for other Purposes.

[30th June 1852.]

*Cap. cxlii.*

An Act for incorporating *Claussen's Patent Flax Company*, and to enable the said Company to purchase and work certain Letters Patent.

[30th June 1852.]

*Cap. cxliii.*

An Act for enabling the Amalgamation of the *Stockton and Hartlepool Railway Company* and the *Hartlepool West Harbour and Dock Company*, and for authorizing the Lease or Purchase of the *Clarence Railway* by the *Stockton and Hartlepool Railway Company* or the amalgamated Company, and for consolidating the Acts relating to the same Companies; and for other Purposes.

[30th June 1852.]

*Cap. cxliiii.*

An Act for the Improvement of the Borough of *Cork*.

[30th June 1852.]

*Cap. cxliv.*

An Act to enable the *Manchester, Sheffield, and Lincolnshire* Railway Company to construct certain Branch Railways.

[30th June 1852.]

*Cap. cxlv.*

An Act to amend and enlarge the Powers and Provisions of the Acts relating to the *Oxford, Worcester, and Wolverhampton* Railway Company; to extend the Time for the Completion of the Works, and the Purchase of certain Lands; to authorize Deviations in the Line and Works, and the Construction of certain Branches and Works; and for other Purposes.

[30th June 1852.]

[*Time limited by the former Acts for the Completion of the Works extended for Two Years from the passing of the Act, § 6.*]

*Cap. cxlvi.*

An Act to authorize the *Shrewsbury and Chester* Railway Company to construct additional Branches; to purchase or hire Steam-boats; and for other Purposes.

[30th June 1852.]

*Cap. cxlvii.*

An Act to revive and extend the Time for the Execution of certain Powers conferred by "The *Wycombe* Railway Act, 1846;" and for reducing the Capital of the *Wycombe* Railway Company; and for enabling the Company to enter into Arrangements with the *Great Western* Railway Company; and for other Purposes.

[30th June 1852.]

[*Power to reduce the Capital to 100,000*l.*, and to alter the Amount and Number of Shares, § 1. Power for the compulsory Purchase of Land not to be exercised after the Expiration of One Year from the passing of the Act, § 11. Railway to be completed within Two Years from the passing of the Act, § 13.*]

*Cap. cxlviii.*

An Act for enabling the *Eastern Union* Railway Company to make Arrangements with certain of their Creditors and Shareholders, and with respect to their Capital, and for granting additional Powers to the Company; and for other Purposes.

[30th June 1852.]

*Cap. cxlix.*

An Act to incorporate the *London Necropolis and National Mausoleum* Company, and to enable such Company to establish a Cemetery in the Parish of *Woking* in the County of *Surrey*, and for other Purposes.

[30th June 1852.]

*Cap. cl.*

An Act for constructing a Cemetery near to *Torquay* in the County of *Devon*.

[30th June 1852.]

*Cap. cli.*

An Act to repeal the *Wexford* Harbour Improvement Act, and to make new Arrangements for a more effective and expeditious Execution of a Portion of the Undertaking thereby authorized, and for other Purposes.

[30th June 1852.]

[*Saving the Rights of the Trinity House and of the Crown, §§ 71 73.*]

## Cap. clii.

An Act to appoint Commissioners for the Execution of certain Improvements in the Navigation of the River *Slaney*, and for other Purposes. [30th June 1852.]

## Cap. cliii.

An Act to enable the *South Yorkshire* Railway and River *Dun* Company to transfer their Undertaking to the *Great Northern* Railway Company. [30th June 1852.]

## Cap. cliv.

An Act to repeal the Acts relating to the *Exeter* and the *Countess Wear* Turnpike Roads, and to make other Provisions in lieu thereof, and to authorize the Construction of certain new Roads ; and for other Purposes. [30th June 1852.]

## Cap. clv.

An Act for the Transfer of the Undertaking of the *British Gas* Light Company to the *Commercial Gas* Company, and for other Purposes. [30th June 1852.]

## Cap. clvi.

An Act for extending the *Chelsea* Waterworks, and for better supplying the City of *Westminster* and Parts adjacent with Water. [30th June 1852.]

[*General Saving of Rights*, § 82. *Works on the Thames not to be constructed without the Consent of the Commissioners of Woods*, § 84. *Saving the Rights of the Crown*, § lxxiv.]

## Cap. clvii.

An Act for enabling the *Grand Junction* Waterworks Company to obtain a Supply of Water from the *Thames* at *Hampton*, and to construct additional Works, and for other Purposes. [30th June 1852.]

## Cap. clviii.

An Act for making divers Provisions with respect to the *Southwark and Vauxhall* Water Company, for empowering that Company to execute additional Works, and for other Purposes. [30th June 1852.]

## Cap. clix.

An Act for enabling the Company of Proprietors of the *West Middlesex* Waterworks to obtain by Agreement a Supply of Water from the *Thames* above the Reach of the Tide, and to raise a further Capital, and for other Purposes. [30th June 1852.]

[*Capital of the Company to be 506,300l. in 61l. Shares*, § 6. *Power to raise 168,763l. additional Capital by Mortgage*, § 7.]

## Cap. clx.

An Act to enable the Governor and Company of the *New River* to improve their Supply of Water ; and for other Purposes. [30th June 1852.]

## Cap. clxi.

An Act for enabling the Local Board of Health for the Town and District of *Swansea* to construct Waterworks ; and for other Purposes. [30th June 1852.]

*Cap. clxii.*

An Act for the Conservancy, Improvement, and Regulation of the River *Tees*, the Construction of a Dock at *Stockton*, the Dissolution of the *Tees* Navigation Company, and other Purposes.

[30th June 1852.]

*Cap. clxiii.*

An Act to define and amend the Mineral Customs and to make better Provision for the Administration of Justice in the Barmote Courts within the Soke and Wapentake of *Wirksworth*, and within the Manors or Liberties of *Crich*, *Ashford*, *Stoney Middleton* and *Eyam*, *Hartington*, *Litton*, *Peak Forest*, *Tideswell*, and *Youlgreave*, in the County of *Derby*.

[30th June 1852.]

*Cap. clxiv.*

An Act for making divers Provisions with respect to the *East London* Waterworks Company, for empowering that Company to execute additional Works, and for other Purposes.

[30th June 1852.]

*Cap. clxv.*

An Act to authorize the Use by the *Shrewsbury and Birmingham* Railway Company of the *Navigation Street* Station in *Birmingham*, and for other Purposes.

[1st July 1852.]

*Cap. clxvi.*

An Act for making a Railway or Tramroad from the *Aberllefenny* Slate Quarries in the Parish of *Tallyllyn* in the County of *Merioneth* to the River *Dovey* in the Parish of *Towyn* in the same County, with Branches therefrom; and for other Purposes.

[1st July 1852.]

*Cap. clxvii.*

An Act to consolidate into One Act and to amend the Provisions of the several Acts relating to the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, to define the Undertaking of the Company, and for other Purposes.

[1st July 1852.]

*Cap. clxviii.*

An Act to authorize Traffic Arrangements between the *Great Western*, the *Shrewsbury and Hereford*, and the *Hereford, Ross, and Gloucester* Railway Companies.

[1st July 1852.]

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Act, in the same Manner as if such Arbitrator had not been appointed.

If One Arbitrator refuse to act, the other to proceed *ex parte*.

XXVIII. That if, where more than One Arbitrator shall have been appointed, either of the Arbitrators refuse or for Seven Days neglect to act, the other Arbitrator may proceed *ex parte*, and the Decision of such other Arbitrator shall be as effectual as if he had been the single Arbitrator appointed by both Parties.

If Arbitrators fail to make their Award within 21 Days, the Matter to go to the Umpire.

XXIX. That if, where more than One Arbitrator shall have been appointed, and where neither of them shall refuse or neglect to act as aforesaid, such Arbitrators shall fail to make their Award within Twenty-one Days after the Day on which the last of such Arbitrators shall have been appointed, or within such extended Time (if any) as shall have been appointed for that Purpose by both such Arbitrators under their Hands, the Matters referred to them shall be determined by the Umpire to be appointed as aforesaid.

Power for Arbitrators to call for Books.

XXX. That the said Arbitrators or their Umpire may call for the Production of any Documents in the Possession or Power of either Party, which they or he may think necessary for determining the Question in dispute, and may examine the Parties or their Witnesses on Oath, and administer the Oaths necessary for that Purpose.

Arbitrator and Umpire to make a Declaration.

XXXI. That before any Arbitrator or Umpire shall enter into the Consideration of any Matters referred to him, he shall, in the Presence of a Justice, make and subscribe the following Declaration ; (that is to say,)

‘ I *A.B.* do solemnly and sincerely declare, That I will faithfully and honestly, and to the best of my Skill and Ability, hear and determine the Matters referred to me under the Provisions of [here recite the Title of this Act]. *A.B.*  
‘ Made and subscribed in the Presence of

And such Declaration shall be annexed to the Award when made ; and if any Arbitrator or Umpire, having made such Declaration, shall wilfully act contrary thereto, he shall be guilty of a Misdemeanor.

Award not to be set aside for Error in Form.

XXXII. That no Award made with respect to any Question referred to Arbitration under the Provisions of this Act shall be set aside for Irregularity or Error in Matter of Form.

Costs of Arbitration how to be borne.

XXXIII. That all the Costs of any such Arbitration and incident thereto, to be settled by the Arbitrators, shall be borne by the Company, unless the Arbitrator shall award the same or a less Sum than shall have been offered by the Company, in which Case such Costs shall be in the Discretion of the Arbitrator.

No One to be insured under Twelve.

XXXIV. That it shall not be lawful for the Company to insure any Person under the Age of Twelve Years, and that every Insurance Ticket obtained by or on behalf of any such Person shall be utterly void against the Company.

No Contract or Money received, &c. under this Act to prejudice Rights of any Person under 10 Vict.

XXXV. That no Contract of the Company, or any Compensation received or recoverable by virtue of such Contract, either under this Act or otherwise, shall be held to prejudice or affect any Right of Action, Claim, or Demand, which any Person or his Executors or Administrators may have against any other Company, or any Person, either at Common Law or by virtue of an Act passed in the Ninth and Tenth Years of the Reign of Her present

present Majesty, intituled *An Act for compensating the Families of Persons killed by Accidents*, or any other Act of Parliament, for the Injury, whether fatal or otherwise, in respect of which such Compensation shall have been received or be recoverable.

XXXVI. That all the Costs and Expenses attending the applying for, obtaining, and passing this Act shall be paid by the Company. Expenses of Act.

XXXVII. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction ; (that is to say,) Interpretation of Terms.

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number :

Words importing the Masculine Gender shall include Females :

The Expression "the Company" shall mean "The Railway Passengers Assurance Company."

XXXVIII. That in citing this Act in any other Act of Parliament, or in any legal Deed, Instrument, or Proceeding, or in any Parliamentary or other Notice, it shall be sufficient to use the Expression "The Railway Passengers Assurance Company's Act, 1852." Short Title.

## SCHEDULE referred to in the foregoing Act.

### THE RAILWAY PASSENGERS ASSURANCE COMPANY.

Empowered by an Act passed in the Twelfth and Thirteenth Years of the Reign of Her Majesty Queen Victoria, intituled "An Act to confer certain Powers on the Railway Passengers Assurance Company," and also by a certain other Act made and passed in the Fifteenth and Sixteenth Years of the Reign of Her said Majesty, intituled "An Act to confer additional Facilities for the Insurance of the Railway Passengers and other Persons by 'The Railway Passengers Assurance Company.'"

Know all Men by these Presents, That if any Person above the Age of Twelve Years about to travel by Railway shall, on Payment of the Premium of Insurance demanded by the said Company in respect thereof, duly obtain any Insurance Ticket marked with the Marks of the said Company, the said Company hereby agrees in consideration of the Payment of such Premium as aforesaid, with such Person, as follows ; (that is to say,) if such Person shall, during the particular Journey for which such Insurance Ticket shall have been issued, while travelling by Railway sustain any personal Injury whatever, caused by Railway Accident, then the said Company shall pay to such Person, on Proof of such Injury, such Sum, not exceeding the Amount declared to be insured by such Insurance Ticket, as shall, with reference to and in proportion to the whole Sum insured and made payable as herein-after mentioned, in case of Death, be deemed a reasonable Compensation for such Injury sustained by such Person, such Compensation to be ascertained and paid in the Manner provided by this Act ; and if such Person shall die from the Effect of such Injury within Three Months after the occurring of the same, then the



Company shall pay to the Executors or Administrators of such Person, on Proof of such Death, the whole Sum expressed in such Insurance Ticket: Provided always, that in case the said Company shall before the Death of such Person so injured as aforesaid have paid any Sum of Money to such Person so injured as aforesaid, as and by way of Compensation for such Injury, such Sum of Money so paid as aforesaid may, on the Death of such Person so injured as aforesaid, after such Payment or Payments, and within Three Months after the occurring of the said Injury, be deducted by the said Company from the Sum of Money hereby otherwise agreed to be paid by them in the event of such Death as aforesaid; and provided always, that the said Company shall in no Case be liable to pay to the Holder of any Insurance Ticket, or to his Executors or Administrators, any Sum of Money in respect of any Injury caused by the Negligence or wilful Act of such Holder. In witness, &c.

Cap. ci.

An Act to amend an Act passed in the Fourth Year of the Reign of King George the Fourth, intituled *An Act for making and maintaining a Turnpike Road from Holehouse or Riding near Greenfield in Saddleworth, to join the Stayley Turnpike Road, and also to join the Halifax and Sheffield Turnpike Road, all in the West Riding of the County of York*; and to continue the Term thereby granted. [17th June 1852.]

Cap. cii.

An Act for enabling the *Leeds Waterworks Company* to provide a better Supply of Water to the Town and Neighbourhood of *Leeds*. [17th June 1852.]

Cap. ciii.

An Act for merging the Undertaking of the *Reading, Guildford, and Reigate Railway Company* in the Undertaking of the *South-eastern Railway Company*; for the Dissolution of the *Reading, Guildford, and Reigate Railway Company*; and for other Purposes. [17th June 1852.]

Cap. civ.

An Act for the Establishment, Maintenance, and Management of Markets in the Borough of *Limerick*. [17th June 1852.]

Cap. cv.

An Act to authorize the Conversion of the Debenture Debt of the *London and North-western Railway Company* into a Stock not exceeding Three and a Half *per Centum*; and for enlarging the Stations at *Wolverton* and *Kilburn*. [17th June 1852.]

Cap. cvi.

An Act for the Construction of a new Bridge over the River *Foyle* at *Londonderry*, and Approaches thereto. [17th June 1852.]

Cap. cvii.

An Act for the Formation of a new Street in the Borough of *Londonderry*. [17th June 1852.]

*Cap. cviii.*

An Act to enable the *Eastern Counties* Railway Company to use the *East Anglian* Railways, and to empower the *Eastern Counties* Railway Company and the *East Anglian* Railways Company to enter into and carry into effect Agreements for certain Objects therein mentioned; and for other Purposes. [17th June 1852.]

*Cap. cix.*

An Act to consolidate and amend certain of the Acts relating to the *Edinburgh and Glasgow* Railway, and to grant further Powers to the Company of Proprietors thereof. [17th June 1852.]

*Cap. cx.*

An Act for repealing an Act of the Ninth Year of the Reign of Her present Majesty, relating to Moorings for Vessels in the River *Tyne*, and the River Police, and for transferring the Powers of the said Act to the *Tyne* Improvement Commissioners; for enabling the said Commissioners to construct and maintain Piers at the Mouth of the said River in the Counties of *Durham* and *Northumberland*, and to construct and maintain Docks and other Works on the North Side of the said River in the last-mentioned County; and for other Purposes. [17th June 1852.]

*Cap. cxi.*

An Act for embanking and reclaiming from the Sea the Estuary or Back Strand of *Tramore* in the County of *Waterford*. [17th June 1852.]

[*Saving the Rights of the Lords of Manors*, § 38. *General Saving of Rights*, § 39.]

*Cap. cxii.*

An Act for the Incorporation of the Society for providing Annuities for the Widows and Children of Presbyterian Ministers, under the Style and Title of "The Presbyterian Widows Fund Association." [17th June 1852.]

*Cap. cxiii.*

An Act to enable the Trustees of the *Yeovil* Turnpike Trust and the *Ilchester* Turnpike Trust to make certain new Roads, to repeal existing Acts, and create further Terms in the said Roads; and for other Purposes. [17th June 1852.]

*Cap. cxiv.*

An Act for enabling the *York, Newcastle, and Berwick* Railway Company to make a Deviation in the Line of their *Bishop Auckland* Branch, to extend the Time for the Purchase of Lands and Completion of Works on certain Lines of Railway authorized to be made in the County of *Durham*, and for other Purposes. [17th June 1852.]

*Cap. cxv.*

An Act for repairing the Road from *Leek* in the County of *Stafford* to *Monyash*, and from *Middlehills* to the *Macclesfield* Turnpike Road near *Buxton* in the County of *Derby*, and thence to *Otterhole*, and certain Branches of Road communicating therewith. [17th June 1852.]

*Cap. cxvi.*

An Act to consolidate and amend the Acts relating to the *Ipswich Dock*, to allow certain Drawbacks, and for other Purposes. [17th June 1852.]

*Cap. cxvii.*

An Act to enable the *South Wales Railway Company* to construct new Railways to *Milford Haven* and at *Newport*, and to abandon Portions of the Lines from *Fishguard* and at *Haverfordwest*; and for other Purposes. [17th June 1852.]

*Cap. cxviii.*

An Act for making a Railway from the *Lancashire and Yorkshire Railway* in the Township of *Bowling* near *Bradford* to the Railway belonging to the *Lancashire and Yorkshire* and *London and North-western Railway Companies*, or One of them, in the Township of *Wortley* near *Leeds*, all in the West Riding of the County of *York*, to be called The *Leeds, Bradford, and Halifax Junction Railway*, and for other Purposes. [30th June 1852.]

*Cap. cxix.*

An Act for maintaining the Road from *Blackburn* to *Preston* and the Two Branches therefrom, and erecting a Bridge on the Line of the said Road over the River *Ribble*, all in the County Palatine of *Lancaster*. [30th June 1852.]

*Cap. cxx.*

An Act to repeal an Act passed in the Fourth Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act for more effectually repairing the Road from Preston to Garstang in the County of Lancaster*; and to make other Provisions in lieu thereof. [30th June 1852.]

*Cap. cxxi.*

An Act for making further Provision for the Conservancy of the Port and Harbour of *Belfast*, for conferring additional Powers on the *Belfast Harbour Commissioners*, and for other Purposes. [30th June 1852.]

*Cap. cxxii.*

An Act for maintaining and improving the *Blyth and Tyne Railway* in the County of *Northumberland*, and for incorporating the Subscribers thereto. [30th June 1852.]

*Cap. cxxiii.*

An Act to repeal the Act relating to the Road from the Town of *Kingston-upon-Thames* in the County of *Surrey* to *Sheetbridge* near *Petersfield* in the County of *Southampton*; and to make other Provisions in lieu thereof. [30th June 1852.]

*Cap. cxxiv.*

An Act for the Incorporation, Establishment, and Regulation of the *North British Flax Company*, and to enable the said Company to purchase and work certain Letters Patent. [30th June 1852.]

*Cap. cxxv.*

An Act for incorporating and giving Powers to the *Frome, Yeovil, and Weymouth* Railway Company, and for other Purposes.

[30th June 1852.]

*Cap. cxxvi.*

An Act for enabling the *Monmouthshire* Railway and Canal Company to make certain new Railways, and for other Purposes.

[30th June 1852.]

*Cap. cxxvii.*

An Act for enabling the *York and North Midland* Railway Company to make a Railway to the *Victoria* or *East Dock* at *Hull*, and for other Purposes.

[30th June 1852.]

*Cap. cxxviii.*

An Act for constituting Commissioners for the Improvement of the River *Nene* and the Navigations thereof; for the more effectual Drainage of certain Lands in the Counties of *Northampton, Huntingdon, and Cambridge*; and for other Purposes.

[30th June 1852.]

[*Saving the Rights of the Crown*, § 152.]

*Cap. cxxix.*

An Act to amend an Act passed in the Seventh Year of the Reign of King *George* the Fourth, intituled *An Act for more effectually making, repairing, and improving certain Roads leading to and from Liskeard, and certain other Roads therein mentioned, in the Counties of Cornwall and Devon*; and for other Purposes.

[30th June 1852.]

*Cap. cxxx.*

An Act for the Conservancy of the River *Humber*, and for amending some of the Provisions of an Act relating to the *Kingston-upon-Hull* Docks.

[30th June 1852.]

*Cap. cxxxi.*

An Act to extend and amend the Provisions of the Act relating to the *Wedmore* Turnpike Road in the County of *Somerset*, to create a further Term therein, and for other Purposes.

[30th June 1852.]

*Cap. cxxxii.*

An Act for abandoning certain Parts of the Undertaking of the *Lancashire and Yorkshire* Railway Company; for constructing certain new Works, and extending the Time for Completion of existing Works; and for Sale of superfluous Lands; for regulating certain Portions of the Capital of the Company and the Application of Capital; and for authorizing the raising of Money by Annuities; and for other Purposes.

[30th June 1852.]

*Cap. cxxxiii.*

An Act to confer on the *Great Western* Railway Company further Powers for the Purchase of Lands on the Lines of, and for the Construction of, the *Birmingham and Oxford Junction* and *Birmingham, Wolverhampton, and Dudley* Railways respectively; and for the Alteration of the Works of Part of the last-mentioned Railway; and for the Formation of an Extension Line of Railway at *Wolverhampton*; and for other Purposes.

[30th June 1852.]

## Cap. cxxxiv.

An Act for more effectually maintaining and keeping in repair the Road from *Cambridge* to *Ely*, and other Roads therein mentioned, in the Counties of *Cambridge* and *Norfolk*.

[30th June 1852.]

## Cap. cxxxv.

An Act for consolidating into One Act and amending the Provisions of the several Acts relating to the *North-western Railway Company*; for extending the Time for constructing certain Parts of their Undertaking; and granting further Powers to the said Company; and for other Purposes.

[30th June 1852.]

## Cap. cxxxvi.

An Act for the Reduction of Dues on Shipping and Goods payable to the Mayor, Aldermen, and Burgesses of *Kingston-upon-Hull*, the *Hull Trinity House*, and the Dock Company at *Kingston-upon-Hull*, respectively.

[30th June 1852.]

## Cap. cxxxvii.

An Act to enable the *Midland Great Western Railway of Ireland Company* to make a Deviation in the authorized Line to *Longford*, and a Branch Railway to the Town of *Cavan*, and for other Purposes.

[30th June 1852.]

## Cap. cxxxviii.

An Act for the better Establishment of a Market at *Torquay* in the County of *Devon*, and for other Purposes.

[30th June 1852.]

## Cap. cxxxix.

An Act to repeal the Acts relating to the *Asthall and Buckland Turnpike Road*, and to make other Provisions in lieu thereof.

[30th June 1852.]

## Cap. cxli.

An Act for enabling the Completion of the *Wilts, Somerset, and Weymouth Railway* between *Frome* and *Weymouth* to be effected, and for authorizing and confirming Contracts between the *Great Western Railway Company* and the *Kennet and Avon Canal Company* and other Companies, and for other Purposes.

[30th June 1852.]

## Cap. cxlii.

An Act for incorporating *Claussen's Patent Flax Company*, and to enable the said Company to purchase and work certain Letters Patent.

[30th June 1852.]

## Cap. cxliii.

An Act for enabling the Amalgamation of the *Stockton and Hartlepool Railway Company* and the *Hartlepool West Harbour and Dock Company*, and for authorizing the Lease or Purchase of the *Clarence Railway* by the *Stockton and Hartlepool Railway Company* or the amalgamated Company, and for consolidating the Acts relating to the same Companies; and for other Purposes.

[30th June 1852.]

## Cap. cxliiii.

An Act for the Improvement of the Borough of *Cork*.

[30th June 1852.]

## Cap. cxliv.

An Act to enable the *Manchester, Sheffield, and Lincolnshire* Railway Company to construct certain Branch Railways.

[30th June 1852.]

## Cap. cxlv.

An Act to amend and enlarge the Powers and Provisions of the Acts relating to the *Oxford, Worcester, and Wolverhampton* Railway Company; to extend the Time for the Completion of the Works, and the Purchase of certain Lands; to authorize Deviations in the Line and Works, and the Construction of certain Branches and Works; and for other Purposes.

[30th June 1852.]

[*Time limited by the former Acts for the Completion of the Works extended for Two Years from the passing of the Act, § 6.*]

## Cap. cxlvi.

An Act to authorize the *Shrewsbury and Chester* Railway Company to construct additional Branches; to purchase or hire Steam-boats; and for other Purposes.

[30th June 1852.]

## Cap. cxlvii.

An Act to revive and extend the Time for the Execution of certain Powers conferred by "The *Wycombe* Railway Act, 1846;" and for reducing the Capital of the *Wycombe* Railway Company; and for enabling the Company to enter into Arrangements with the *Great Western* Railway Company; and for other Purposes.

[30th June 1852.]

[*Power to reduce the Capital to 100,000*l.*, and to alter the Amount and Number of Shares, § 1. Power for the compulsory Purchase of Land not to be exercised after the Expiration of One Year from the passing of the Act, § 11. Railway to be completed within Two Years from the passing of the Act, § 13.*]

## Cap. cxlviii.

An Act for enabling the *Eastern Union* Railway Company to make Arrangements with certain of their Creditors and Shareholders, and with respect to their Capital, and for granting additional Powers to the Company; and for other Purposes.

[30th June 1852.]

## Cap. cxlix.

An Act to incorporate the *London Necropolis and National Mausoleum* Company, and to enable such Company to establish a Cemetery in the Parish of *Woking* in the County of *Surrey*, and for other Purposes.

[30th June 1852.]

## Cap. cl.

An Act for constructing a Cemetery near to *Torquay* in the County of *Devon*.

[30th June 1852.]

## Cap. cli.

An Act to repeal the *Wexford* Harbour Improvement Act, and to make new Arrangements for a more effective and expeditious Execution of a Portion of the Undertaking thereby authorized, and for other Purposes.

[30th June 1852.]

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